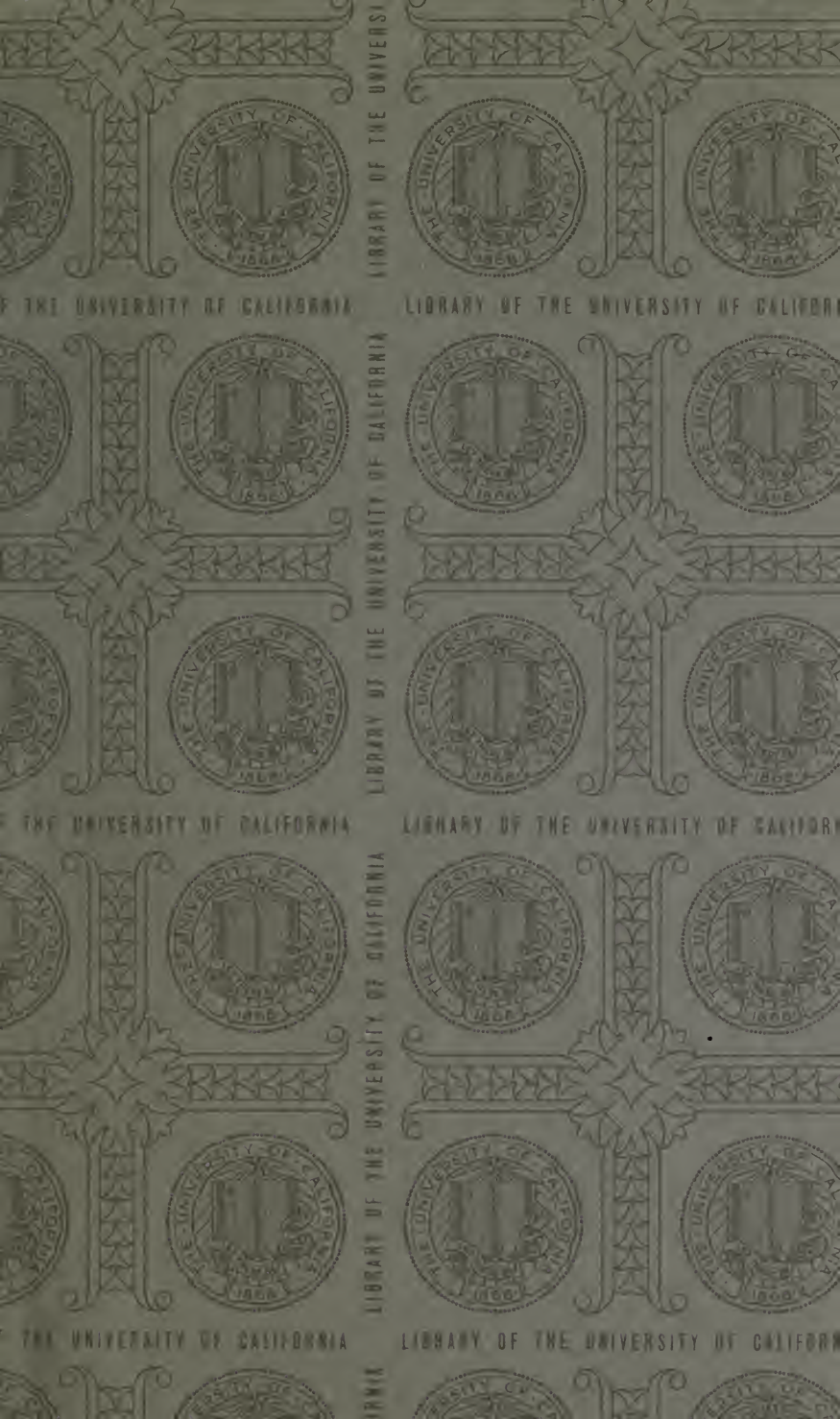


DOCUMENTS

DEPT.









Digitized by the Internet Archive  
in 2007 with funding from  
Microsoft Corporation



JOURNAL  
OF THE  
CONVENTION,

ASSEMBLED AT SPRINGFIELD,

JUNE 7, 1847,

IN PURSUANCE OF AN ACT OF THE GENERAL ASSEMBLY OF THE STATE OF  
ILLINOIS, ENTITLED "AN ACT TO PROVIDE FOR THE CALL OF A  
CONVENTION," APPROVED, FEBRUARY 20, 1847,  
FOR THE PURPOSE OF

ALTERING, AMENDING, OR REVISING

THE CONSTITUTION

OF THE

STATE OF ILLINOIS.

*Constitutional convention, 1847.*

---

PUBLISHED BY AUTHORITY OF THE CONVENTION.



SPRINGFIELD:

LANPHIER & WALKER, PRINTERS.

.....  
1847.

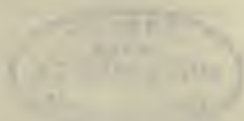


JK5725  
1847  
A22

DOCUMENTS  
DEPT.

783-19

STATE







## JOURNAL OF THE CONVENTION.

---

In pursuance of an act of the general assembly of the state of Illinois, entitled "An act to provide for the call of a convention," approved, February 20, 1847, members elected to said convention appeared in the hall of the house of representatives, at the city of Springfield, at 3 o'clock, P. M., on Monday, the seventh day of June, A. D. 1847, the secretary of state, Horace S. Cooley, being in attendance.

The convention was called to order by Francis C. Sherman, of Cook county; upon whose motion, Zadok Casey, of Jefferson, was unanimously elected president, *pro tempore*, of the convention.

On motion of Mr. Scates,

Louis M. Booth, of the county of Adams, was appointed secretary, *pro tempore*, and John A. Wilson, of Hamilton county, door-keeper, *pro tempore*.

On motion of Mr. Thompson,

A call of the members elect to the convention, was ordered.

On motion of Mr. Dement,

Henry W. Moore, of the county of Gallatin, was elected assistant secretary, *pro tempore*.

On motion of Mr. Sherman,

William J. Kline, of the county of Kane, was appointed assistant door-keeper, *pro tempore*.

The call of members of the convention progressed, and the following named persons appeared, presented certificates of their election as such members, and took their seats:

*Adams county*—William Laughlin, William B. Powers, Jacob M. Nichols.

*Adams and Highland counties*—Archibald Williams. ✓

*Alexander and Pulaski counties*—Martin Atherton. ✓

*Bond county*—Michael G. Dale.

*Roone county*—Daniel H. Whitney. ✓

*Brown county*—James W. Singleton. ✓

*Brown and Schuyler counties*—James Brockman, Alexander McHatton. ✓

*Bureau county*—Simon Kinney. ✓

*Calhoun and Jersey counties*—William Bosbyshell.

✓ Dead



- Carroll and Ogle counties*—Garner Moffett.  
*Cass county*—Henry E. Dummer.  
*Champaign and Vermilion counties*—Thompson R. Webber.  
*Christian and Shelby counties*—D. D. Shumway.  
*Clark county*—William Tutt, Justin Harlan.  
*Clark, Edgar and Coles counties*—Uri Manly.  
*Clinton county*—Benjamin Bond.  
*Coles county*—Thomas A. Marshall, Thomas Trower.  
*Cook county*—Patrick Ballingall, Francis C. Sherman, Reuben E. Heacock, E. F. Colby.  
*Crawford county*—Nelson Hawley.  
*Cumberland and Effingham counties*—William H. Blakely.  
*De Kalb county*—George H. Hill.  
*De Witt county*—George B. Lemon.  
*Du Page county*—Jeduthan Hatch.  
*Du Page and Will counties*—Samuel Anderson.  
*Edgar county*—William Shields, George W. Rives.  
*Edwards and Wayne counties*—Alvin R. Kenner.  
*Fayette county*—John W. F. Edmonson, Joseph T. Eccles.  
*Franklin county*—John W. Akin.  
*Fulton county*—David Markley, Hezekiah M. Wead, Isaac Linley, George Kreider.  
*Gallatin county*—Albert G. Caldwell, Jacob Smith.  
*Greene county*—Franklin Witt, L. E. Worcester, D. M. Woodson.  
*Grundy and La Salle counties*—George W. Armstrong.  
*Hancock county*—Thomas C. Sharpe, George S. Moore, Robert Miller, Thomas Geddes.  
*Hardin and Gallatin counties*—Andrew McCallen.  
*Henderson county*—Gilbert Turnbull.  
*Henry and Knox counties*—Joshua Harper.  
*Highland county*—Lewis J. Simpson.  
*Iroquois and Will counties*—Jesse O. Norton.  
*Jackson county*—Alexander M. Jenkins.  
*Jasper and Crawford counties*—Richard G. Morris.  
*Jefferson county*—Franklin S. Casey.  
*Jefferson, Marion and Franklin counties*—Zadok Casey, Walter B. Scates.  
*Jersey county*—A. R. Knapp.  
*Jo Daviess county*—Thompson Campbell, W. B. Green, O. C. Pratt.  
*Johnson county*—John Oliver.  
*Kane county*—Alfred Churchill, Augustus Adams, Thomas Judd.  
*Kendall county*—John West Mason.  
*Knox county*—Curtis K. Harvey, James Knox.  
*Lake county*—Horace Butler, Hurlbut Swan.  
*La Salle county*—William Stadden, Abraham Hoes.  
*Lawrence county*—John Mieure.  
*Lee county*—John Dement.  
*Livingston and McLean counties*—Samuel Lander.  
*Logan county*—James Tuttle.  
*McLean county*—David Davis.



- Mason county*—F. S. D. Marshall.  
*Macoupin county*—James Graham, James M. Palmer.  
*McDonough county*—James M. Campbell.  
*McDonough and Warren counties*—John Huston.  
*McHenry county*—John Sibley, Peter W. Deitz.  
*Madison county*—Cyrus Edwards, E. M. West, Benaiah Robinson, George T. Brown.  
*Marshall and Stark counties*—Henry D. Palmer.  
*Marion county*—George W. Pace.  
*Macon and Piatt counties*—Edward O. Smith.  
*Massac county*—Thomas G. C. Davis.  
*Menard county*—Benjamin F. Northcott.  
*Mercer county*—Frederick Frick.  
*Montgomery county*—Hiram Rountree. ✓  
*Montgomery and Bond counties*—James M. Davis.  
*Moultrie and Shelby counties*—Anthony Thornton.  
*Morgan county*—Newton Cloud, James Dunlap, William Thomas.  
*Monroe county*—James A. James, John D. Whiteside.  
*Ogle county*—D. J. Pinckney.  
*Perry county*—H. B. Jones.  
*Perry, Washington and Clinton counties*—John Crain. ✓  
*Peoria county*—William W. Thompson, Lincoln B. Knowlton.  
*Peoria and Fulton counties*—Onslow Peters. ✓  
*Pike county*—William R. Archer, Harvey Dunn, William A. Grimshaw.  
*Pope county*—William Sim.  
*Pulnam county*—Oaks Turner.  
*Randolph county*—Ezekiel W. Robbins, Richard B. Servant. ✓  
*Richland county*—Alfred Kitchell.  
*Rock Island county*—John W. Spencer.  
*Sangamon county*—John Dawson, James H. Matheny, Ninian W. Edwards, Stephen T. Logan.  
*Scott county*—N. M. Knapp, Daniel Dunsmore.  
*Schuyler county*—William A. Minshall.  
*Shelby county*—Edward Evey. ✓  
*St. Clair county*—Wm. W. Roman, Wm. C. Kinney, John McCully, George Bunsen. ✓  
*Stephenson county*—Seth B. Farwell, Thomas B. Carter.  
*Tazewell county*—William H. Holmes.  
*Union county*—Samuel Hunsaker.  
*Vermilion county*—John Canady, John W. Vance.  
*Wabash county*—Charles H. Constable.  
*Warren county*—Abner C. Harding.  
*Washington county*—Zenos H. Vernor.  
*Wayne county*—James M. Hogue.  
*Whiteside county*—Aaron C. Jackson.  
*White county*—S. Snowden Hayes, Daniel Hay.  
*Woodford county*—Samuel J. Cross.  
*Winnebago county*—Selden M. Church, Robert J. Cross.  
*Williamson county*—John T. Loudon.  
*Williamson, Franklin and Jackson counties*—Willis Allen.



*Will county*—Hugh Henderson, William McClure. ✓

Mr. Scates offered for adoption the following:

*Resolved*, That each delegate of this convention, before proceeding to the transaction of any business, take an oath to support the constitution of the United States; which,

On motion of Mr. Minshall,

Was amended by adding: "and to faithfully discharge the duties of their offices as delegates to this convention, for the purpose of revising and amending the constitution of the State of Illinois."

*Ordered*, That the resolution as amended be adopted.

On motion of Mr. Dawson,

William Lavelly, a justice of the peace, of Sangamon county, was introduced for the purpose of administering the oath prescribed.

Mr. Logan moved that the oath be administered to members collectively, they standing by their seats, with an uplifted hand.

And the question being put, it was decided in the negative.

The oath was then administered to members, as they were called, in convenient numbers, in alphabetic order.

Mr. Servant moved that the convention adjourn until to-morrow morning, at ten o'clock.

The question being taken thereon, was decided in the negative.

Mr. Bond introduced the following resolution; which was read and adopted.

*Resolved*, That we will now proceed to organize this convention, by electing a president, one secretary, and one sergeant-at-arms, and that no other officers shall be constituted or appointed until it becomes necessary, in the opinion of the president and principal secretary, to employ some competent person to assist the secretary in the discharge of his duties, when the secretary may employ a competent assistant to whom shall be paid the sum of two dollars per day, while necessarily employed: *Provided*, the sergeant-at-arms may, in his discretion, employ some able-bodied person to assist him in discharging his duties, to whom there shall be paid a sum of one dollar per day for each day he is necessarily employed, and he may employ two active, orderly and competent boys as messengers, &c., who shall each be paid the sum of fifty cents per day for the time employed.

The convention then proceeded to the election of a president by ballot.

Messrs. Dunlap, Logan and Scates were appointed tellers.

The ballots having been taken and counted, the following result was announced:

For Newton Cloud, of Morgan county, eighty-four votes.

For Zadok Casey, of Jefferson county, sixty-five votes.

For Archibald Williams, of Adams county, two votes.

For Cyrus Edwards, of Madison county, two votes.

Mr. Newton Cloud, having received a majority of all the votes given, was, by the president, *pro tempore*, of the convention, declared duly elected president of the convention.

The president, *pro tempore*, appointed Messrs. Thompson and Hay to conduct the president elect to the chair.



That duty having been performed, the president said:

*Gentlemen of the convention:* It is but proper, on entering upon the duty assigned by the choice just made, that I should return you my most sincere thanks for the honor you have conferred.

I enter upon the discharge of the duties of president of this convention with much embarrassment, for I feel that I have a difficult and important duty assigned me.

I can only promise that my best efforts shall be made to discharge that duty faithfully and impartially, and that all the little ability that I possess shall be devoted to the despatch and furtherance of the public business. I will not allude, however remotely, to the great subjects upon which we have been called to act, but will conclude by returning you again my sincere thanks for the honor you have conferred on me.

The convention proceeded to the election of a secretary of the convention.

Mr. Williams nominated James M. Burt, of Adams county.

Mr. Ballingall nominated Henry W. Moore, of Gallatin county.

The vote being taken on said nominations, showed that Mr. Moore received ninety-one votes; Mr. Burt, received fifty-nine votes; S. S. Brooks, received one vote:

Those who voted for Mr. Moore, are,

Messrs. Adams, Allen, Akin, Anderson, Archer, Armstrong, Ather-ton, Blair, Blakely, Ballingall, Brockman, Bosbyshell, Brown, Bunsen, Butler, Crain, Caldwell, Campbell of Jo Daviess, Campbell, of McDon-ough, Carter, F. S. Casey, Z. Casey, Colby, Constable, Cross of Wood-ford, Cloud, Churchill, Dale, Davis of Montgomery, Davis of Massac, Dement, Dunlap, Dunn, Edmonson, Evey, Farwell, Frick, Harvey, Hatch, Hawley, Hay, Hayes, Heacock, Henderson, Hill, Hoes, Hogue, Hunsaker, Huston, James, Jenkins, Kreider, Kinney of Bureau, Kinney, of St. Clair, Kitchell, Laughlin, Linley, Loudon, McClure, McHatton, Manly, Markley, Mieure, Moffett, Moore, Morris, Nichols, Oliver, Pace, Palmer of Macoupin, Pratt, Peters, Powers, Robinson, Rountree, Scates, Sharpe, Stadden, Shields, Sherman, Simpson, Smith of Gallatin, Shum-way, Thompson, Thornton, Trower, Tutt, Vernor, Wead, Webber, Witt, Whiteside and Worcester.—91.

Those who voted for Mr. Burt, are,

Messrs. Bond, Canady, Cross of Winnebago, Church, Davis of Mc-Lean, Deitz, Dawson, Dummer, Dunsmore, Edwards of Madison, Ed-wards of Sangamon, Eccles, Graham, Geddes, Green of Jo Daviess, Grimshaw, Harding, Harlan, Harper, Holmes, Jackson, Jones, Judd, Knapp of Jersey, Knapp of Scott, Kenner, Knowlton, Knox, Lander, Lemon, Logan, McCallen, Marshall of Coles, Marshall, of Mason, Ma-theny, Miller, Minshall, Northcott, Norton, Palmer of Marshall, Pinck-ney, Rives, Roman, Swan, Spencer, Servant, Sibley, Sim, Singleton, Smith of Macon, Thomas, Turnbull, Turner, Tuttle, Vance, West, Wil-iams, Whitney and Woodson.—59.

Mr. Robbins voted for S. S. Brooks.

Henry W. Moore, having received a majority of all the votes given, was, by the president, declared duly elected secretary of "the Convention to alter, amend and revise the constitution of the State of Illinois."



On motion,

The convention proceeded to the election of a sergeant-at-arms.

Mr. Allen nominated John A. Wilson, of Hamilton county.

On motion of Mr. Edwards of Sangamon,

The question was put by division, and decided in the affirmative.

Whereupon, the president declared John A. Wilson duly elected sergeant-at-arms of said convention.

Mr. Thomas moved that the convention adjourn until to-morrow morning at ten o'clock.

The question being taken, was decided in the negative.

Mr. Campbell of Jo Daviess moved that the convention do now proceed to the election of a printer.

Mr. Servant moved to lay the motion on the table; the motion having been taken, was decided in the affirmative.

Mr. Logan offered the following resolution:

*Resolved*, That a committee of five be appointed by the president to receive proposals for the printing the proceedings of the convention, and that they be directed to report said bids to the convention.

On motion of Mr. Dement,

The resolution was laid on the table, by yeas and nays:  $\left\{ \begin{array}{l} \text{Yeas,} \quad . \quad 80 \\ \text{Nays,} \quad . \quad 72 \end{array} \right.$

Those voting in the affirmative, are,

Mr. Adams	Mr. Dunn	Mr. Markley
Akin	Edmonson	Moffett
Allen	Farwell	Moore
Anderson	Frick	Morris
Archer	Harvey	Nichols
Armstrong	Hatch	Oliver
Atherton	Hawley	Pace
Blakely	Heacock	Palmer of Macoupin
Ballingall	Henderson	Pratt
Brockman	Hill	Peters
Bosbyshell	Hoes	Powers
Brown	Hogue	Robinson
Bunsen	Hunsaker	Rountree
Butler	Huston	Scates
Caldwell	Jenkins	Sharpe
Campbell of Jo Daviess	Kreider	Stadden
Campbell of McDonough	Kinney of St. Clair	Shields
Carter	Kitchell	Sherman
F. S. Casey	Lander	Simpson
Zadok Casey	Laughlin	Smith of Gallatin
Colby	Linley	Shumway
Cross of Woodford	Loudon	Tutt
Cloud	McCully	Vernor
Churchill	McClure	Wead
Dale	McHatton	Webber
Dement	Manly	Worcester.
Dunlap		

Those voting in the negative, are,

Mr. Bond	Mr. Davis of Bond	Mr. Edwards of Madison
Crain	Davis of McLean	Edwards of Sangamon
Canady	Dawson	Eccles
Constable	Deitz	Evey
Cross of Winnebago	Dummer	Graham
Church	Dunsmore	Geddes



Mr. Green of Jo Daviess

Grimshaw

Harding

Harlan

Harper

Hay

Hayes

Holmes

James

Jones

Judd

Knapp of Jersey

Knapp of Scott

Kenner

Kinney of Bureau

Knowlton

Knox

Lemon

Mr. Logan

• McCallen

Marshall of Coles

Marshall of Mason

Mason

Matheny

Mieure

Miller

Minshall

Northcott

Norton

Palmer of Marshall

Pinckney

Rives

Robbins

Roman

Swann

Spencer

Mr. Servant

Sibley

Sim

Singleton

Smith of Macon

Thomas

Thornton

Trower

Turnbull

Turner

Tuttle

Vance

West

Williams

Witt

Whiteside

Whitney

Woodson.

Mr. Campbell of Jo Daviess, moved to proceed to the election of a printer.

Mr. Williams moved to lay the motion on the table, the question having been taken, was decided in the affirmative.

On motion of Mr. Edwards of Madison,

*Resolved*, That the secretary be directed to call upon the clergy of the different denominations in the city, and to solicit an arrangement among themselves, for opening every morning by prayer the meetings of the convention.

Mr. Butler offered the following resolution:

*Resolved*, That the convention will be governed by the rules of the last session of the legislature until others are adopted.

On motion of Mr. Thomas,

The resolution was laid on the table.

On motion of Mr. Edwards of Madison,

*Resolved*, That a committee of five be appointed to prepare and report rules and regulations for the government of the convention.

*Ordered*, That Messrs. Edwards of Sangamon, Sherman, Zadok Casey, Woodson, and Dement be said committee.

On motion of Mr. Ballingall,

*Resolved*, That the secretary prepare ballots properly numbered for seats for the members of this convention, and that the members proceed thereafter to draw the ballots for their respective seats.

On motion of Mr. Palmer of Macoupin,

*Resolved*, That the editors and reporters of the newspapers published in this state be allowed seats within the bar of this hall.

On motion of Mr. Whitney,

The convention adjourned until to-morrow morning, at 10 o'clock.





TUESDAY, JUNE 8, 1847.

The convention met pursuant to adjournment.

Prayer by the Rev. Mr. Barger.

On motion of Mr. Brockman,

*Resolved*, That for the comfort and convenience of the members of this convention, the sergeant-at-arms be instructed to have removed the railings from the hall, and to place the seats of members farther back towards the corners of the hall.

Mr. Wead offered for adoption the following :

*Ordered*, That so much of the resolution adopted on yesterday, on the motion of the member from Clinton, as provides for limiting the number and pay of officers of this convention, be rescinded.

On motion,

The convention adjourned to three o'clock, P. M.

THREE O'CLOCK, P. M.

The convention met.

Peter Green, member of the convention elect from the county of Clay, and Henry R. Green, member from the county of Tazewell, appeared, presented their certificates of election, and were qualified as prescribed, by J. W. Keys, esq.

The question pending at the adjournment being upon the adoption of the rescinding order offered by Mr. Wead,

Mr. Harvey moved that that order be amended by striking it out after the word "ordered," and adding :

"That the members of this convention, and all officers of the same, receiving a per diem compensation, shall receive the sum of two dollars and fifty cents only per day, for their services in this convention."

Mr. Palmer of Marshall moved that the amendment be amended by striking out the words "and fifty cents."

On motion of Mr. Scates,

*Ordered*, That the order and proposed amendments be laid on the table.

Mr. Edwards of Madison, from the committee, appointed on yesterday, to prepare and report for the government of the convention, made report of the following :

**RULE 1.** On the appearance of a quorum the president shall take the chair, and the convention be called to order.

**RULE 2.** Reading of the minutes and corrections.

**RULE 3.** The president shall preserve order and decorum, and decide questions of order, subject to an appeal to the convention. He shall have the right to name any member to perform the duties of the chair; but such substitution shall not extend beyond the hour of adjournment.

**RULE 4.** All motions and addresses to be made to the president.



**RULE 5.** No motion to be debated or put, unless seconded; and all to be reduced to writing, if required by the president, or any member of the convention.

**RULE 6.** Yeas and nays to be called for by ten members.

**RULE 7.** President to name who has the floor.

**RULE 8.** No interruption, and on a call to order, a member must sit down.

**RULE 9.** No conversation whilst a member is speaking, and no passing between a member who is speaking and the chair.

**RULE 10.** No reference to members names in debate.

**RULE 11.** Motion can be withdrawn by mover before question is put, and amendment made, and another member may put the same.

**RULE 12.** All committees to be appointed by the president, unless otherwise ordered.

**RULE 13.** None to be admitted inside the bar, except members or officers, without permission of the president, or upon a vote of the convention in favor of their admission.

**RULE 14.** The previous question shall always be in order in convention if seconded by a majority, and until it is decided all amendments and debate shall be precluded. The question shall be put in this form "shall the main question be now put?" If it shall be decided that the question should not now be put, the main question shall still remain under consideration. If seconded, the questions will then be taken in their order without further debate.

**RULE 15.** In forming committees of the whole, the president, before leaving the chair, shall appoint a chairman.

**RULE 16.** No member shall speak more than twice to the same question without leave, nor more than once, until every other member rising to speak shall have spoken.

**RULE 17.** A motion for reconsideration shall be in order at any time, and may be moved by any member of the convention. But the question shall not be taken on the same day unless by unanimous consent. If the motion to reconsider is not made on the same day, three days' notice shall be required to be given of the intention to make it.

**RULE 18.** The preceding rules shall be observed in committee of the whole, so far as they are applicable, except so much of the 17th rule as restricts the speaking to more than twice. A call for the yeas and nays, and a motion to adjourn shall not be applicable, but a journal of the proceedings in committee shall be kept.

**RULE 19.** The president may admit such, and as many, reporters within the bar as he may deem proper.

**RULE 20.** The order of business shall be as follows:

1st. After the reading of the journal, petitions.

2d. Communications from the governor, the state officers, and from all other persons to whom enquiries may be addressed by order of the convention.

3d. Reports of committees.

4th. Motions, resolutions, and notices.

5th. Unfinished business.

6th. Special orders.



## 7th. General orders.

RULE 21. Upon a division and count of the convention on any question, no member without the bar shall be counted.

RULE 22. Every member who shall be in the convention when the question is put shall give his vote, unless the convention, for special reasons, shall excuse him.

RULE 23. The following shall be the standing committees of the convention, to wit :

1st. Committee on the Executive Department.

2d. Committee on the Judiciary Department.

3d. Committee on the Legislative Department.

4th. Committee on the Bill of Rights.

5th. Committee on Incorporations.

6th. Committee on Revenue.

7th. Committee on Elections and the Right of Suffrage.

8th. Committee on Finance.

9th. Committee on Education.

10th. Committee on the Organization of Departments and officers connected with the Executive Department.

11th. Committee on the Division of the State into Counties, and their Organization.

The president put the question upon concurring with the committee in their report, and the adoption of the rules; which was decided in the affirmative.

On motion of Mr. ———

Hon. John McLean, justice of the supreme court of the United States, was invited to a seat within the bar of the hall.

Mr. Dawson moved that the secretary procure the printing of 300 copies of the rules just adopted, for the use of the convention; which motion, was,

On motion of Mr. Scates,

Laid on the table.

On motion,

The convention adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, JUNE 9, 1847.

Convention assembled pursuant to adjournment.

Prayer by Rev. Mr. Bergen.

Mr. Geddes presented the certificate of election of one of his colleagues, Mr. Charles Choate, member from Hancock; and Mr. Whitney the certificate of Stephen A. Hurlbut, member from McHenry and Boone.

Messrs. Choate and Hurlbut then appeared, and the oath of office was administered to them by Wm. Lively, esq.

Mr. Dement offered for adoption the following :

*Resolved*, That the governor, secretary of state, treasurer, and auditor of state, the judges of the supreme court of Illinois, and of the United



States circuit and district courts, be invited to take seats within the bar of the hall, during the session of this convention.

Mr. Campbell of Jo Daviess moved that the resolution be so amended as to include all the ex-state officers.

Mr. Knowlton moved that the amendment proposed be amended so as to include, also, the soldiers who have returned from the war with Mexico, and ex-members of congress from this state.

Mr. Whitney moved that the resolution and amendments be laid on the table.

Mr. Thomas called for a division of the question; and the same being taken, first on laying the amendments on the table, it was decided in the affirmative.

The question then being taken upon laying the resolution on the table, it was decided in the affirmative.

Mr. Singleton offered for adoption the following:

*Resolved*, That this convention is limited in its purposes and powers; its object being to propose, for the acceptance of the people, such changes in their present constitution as to the convention may appear necessary, limited in these changes by the true principles of a republican government, and in the conduct of its body by the constitution of this state, as far as it is applicable. That this convention has no power to repeal or modify any act of the general assembly of this state, otherwise than by constitutional provision, subject to the ratification of the people, or do any other act not necessary to the discharge of the trust confided to it.

Mr. Archer moved that the resolution be amended by striking out all after the word "resolved," and adding the following in lieu of the part proposed to be stricken out:

"That this convention has assembled for the purpose of revising, altering, or amending the constitution of this state, and that the powers and duties of said convention are limited after its proper organization to such objects only.

"*Resolved*, That with a view of entering upon the discharge of the duties assigned to said convention, we now proceed to the election of an assistant secretary, an assistant sergeant-at-arms, and a printer; any resolution heretofore passed to the contrary notwithstanding."

Mr. McCallen moved that the amendment to the resolution be amended by striking out of it the words "and a printer," and adding at the end of the amendment the following:

"*Resolved*, That the secretary be instructed to receive sealed proposals at his desk, until ten o'clock A. M. to-morrow, for the printing to this convention, and that the president proceed at that hour to open said proposals, and award the printing to the lowest responsible bidder."

On motion of Mr. Scates,

The resolution, amendment, and amendment to the amendment, were laid on the table.

Mr. Davis of Montgomery offered for adoption the following:

*Resolved*, That there be a committee on internal improvement appointed by the president, and that the following additional rules be adopted:

"**RULE —.** Any member may make out and have placed upon the



journal his protest against the passage of any resolution or other proceeding adopted by the convention.

"**RULE** —. There shall be no smoking within the bar of the house, during the hours of session."

Mr. Logan moved that the first proposed rule be amended so as to make it read "Any ten members may make out and have placed upon the journal" &c.

On motion of Mr. Wead,

*Ordered*, That the resolution and amendment be laid on the table.

Mr. Robbins offered the following resolutions:

*Resolved*, That each standing committee in this convention consist of fourteen members, two of each to be appointed from each congressional district in this state.

*Resolved*, That a select committee of fourteen, two from each congressional district in the state, be appointed by the president, to report the business that will probably come before this convention, and the manner in which it is deemed expedient, to take up and dispose of that business, and that that committee report as soon as practicable.

Mr. Wead moved that the resolutions be laid on the table and printed.

Mr. Davis of Montgomery called for a division of the question, so as to take the vote first on laying on the table.

Mr. Logan called for a further division, so as to take the question on laying the first resolution on the table.

The question was taken on laying the first resolution on the table, and decided in the affirmative.

The question was then taken on laying the second resolution, and decided in the affirmative.

Samuel D. Lockwood presented his certificate of election, as a delegate from the county of Morgan, and the oath of office was administered to him by James W. Keys, esq.

Mr. Armstrong offered for adoption the following:

*Resolved*, That the following committees be added to the number now provided for by the rules, to wit:

A committee on the Militia.

A committee on Retrenchment.

Which resolution, was,

On motion of Mr. Whitney,

Laid on the table.

Mr. Dement moved that the resolution, offered by Mr. Singleton this morning, with all the amendments proposed thereto, be taken from the table;

And the question being taken on the motion, it prevailed.

The question pending being on the amendment to the amendment introduced by Mr. McCallen,

Mr. Constable moved to lay said amendment on the table;

The question having been taken,

It was decided in the affirmative, { Yeas, . . . . . 88,  
Nays, . . . . . 57.



Those voting in the affirmative, are,

Mr. Adams	Mr. Dunn	Mr. Manly
Akin	Dunsmore	Markley
Allen	Edmonson	Marshall ot Coles
Anderson	Evey	Marshall of Mason
Archer	Farwell	Mieure
Armstrong	Frick	Minshall
Atherton	Geddes	Moffett
Blakely	Green of Clay	Moore
Ballingall	Green of Jo Daviess	Morris
Brockman	Hatch	Nichols
Bosbyshell	Hawley	Pace
Brown	Hayes	Palmer of Macoupin
Bunsen	Heacock	Pratt
Butler	Hill	Powers
Caldwell	Hoes	Robbins
Campbell of Jo Daviess	Hogue	Robinson
Campbell of McDonough	Holmes	Scates
Carter	Hunsaker	Sharpe
Choate	Huston	Stadden
Colby	Jenkins	Swan
Constable	Knapp of Jersey	Sibley
Cross of Woodford	Kreider	Singleton
Cloud	Kinney of St. Clair	Smith of Gallatin
Churchill	Kitchell	Shumway
Davis of Montgomery	Laughlin	Trower
Davis of Massac	Lemon	Tutt
Dertz	Linley	Vernor
Dement	Loudon	Wead
Dummer	McClure	Webber.
Dunlap	McHatton	

Those voting in the negative, are,

Mr. Crain	Mr. Hurlbut	Mr. Rives
Canady	Jackson	Roman
F. S. Casey	James	Shields
Z. Casey	Jones	Spencer
Cross of Winnebago	Judd	Servant
Church	Knapp of Scott	Sim
Dale	Kenner	Thomas
Dawson	Kinney of Bureau	Thornton
Edwards of Madison	Knowlton	Turnbull
Edwards of Sangamon	Knox	Turner
Eccles	Lander	Tuttle
Graham	Logan	Vance
Green of Tazewell	McCallen	West
Grimshaw	Matheny	Witt
Harding	Miller	Whiteside
Harper	Northcott	Whitney
Harvey	Norton	Woodson
Hay	Palmer of Marshall	Worcester.
Henderson	Peters	

On motion,  
The convention adjourned to two o'clock, p. m.





TWO O'CLOCK, P. M.

Convention met pursuant to adjournment.

The question pending, being upon the motion of Mr. Archer, to strike from the resolution, offered by Mr. Singleton, all after the word "resolved," and add two other resolutions, he called for a division.

The question was put upon striking out, and decided in the affirmative.

Mr. Peters called for a further division.

The vote being taken upon adding the first branch of the amendment of Mr. Archer,

It was decided in the affirmative, { Yeas, : : : : : 87,  
Nays, : : : : : 64.

Those voting in the affirmative, are,

Mr. Akin	Mr. Farwell	Mr. Mieure
Allen	Frick	Minshall
Anderson	Geddes	Moffett
Archer	Green of Clay	Moore
Armstrong	Harvey	Morris
Atherton	Hatch	Nichols
Blakely	Hawley	Oliver
Ballingall	Hayes	Palmer of Macoupin
Brockman	Heacock	Pratt
Bosbyshell	Hill	Powers
Brown	Hoes	Robbins
Bunsen	Hogue	Robinson
Butler	Hunsaker	Rountree
Crain	Huston	Sharpe
Caldwell	Jenkins	Stadden
Campbell of Jo Daviess	Jones	Shields
Campbell of McDonough	Knapp of Jersey	Sherman
Carter	Kreider	Simpson
F. S. Casey	Kinney of St. Clair	Singleton
Z. Casey	Laughlin	Smith of Gallatin
Choate	Linley	Shumway
Colby	Loudon	Trower
Cross of Woodford	McCallen	Tutt
Cloud	McCully	Vernor
Davis of Montgomery	McClure	Wead
Davis of Massac	McHatten	Webber
Dement	Manly	Witt
Edmonson	Markley	Whiteside
Evey	Marshall of Mason	Worcester.

Those voting in the negative, are,

Mr. Adams	Mr. Graham	Mr. Knapp of Scott
Cross of Winnebago	Green of Jo Daviess	Kenner
Church	Green of Tazewell	Kinney of Bureau
Churchill	Grimshaw	Kitchell
Dale	Harding	Knowlton
Davis of McLean	Harlan	Knox
Dawson	Harper	Lander
Deitz	Hay	Lemon
Dummer	Henderson	Logan
Dunlap	Holmes	Marshall of Coles
Dunsmore	Hurlbut	Mason
Edwards of Madison	Jackson	Matheny
Edwards of Sangamon	James	Miller
Eccles	Judd	Northcott



Mr. Palmer of Marshall	Mr. Servant	Mr. Turner
Peters	Sibley	Tuttle
Pinckney	Sim	Vance
Rives	Smith of Macon	West
Roman	Thomas	Williams
Scates	Thornton	Whitney
Swan	Turnbull	Woodson
Spencer		

The question was then taken upon the second branch of Mr. Archer's resolution, and decided in the affirmative;

And the resolution, as amended, adopted.

The convention accordingly proceeded to the election of an assistant secretary.

Mr. Sherman nominated H. G. Reynolds, of Rock Island county.

Mr. McCallen nominated John S. Roberts, of Morgan county.

Mr. Singleton nominated James M. Burt, of Adams county.

Those who voted for H. G. Reynolds, are,

Messrs. Akin, Allen, Anderson, Archer, Armstrong, Atherton, Blakely, Ballingall, Brockman, Bosbyshell, Brown, Bunsen, Butler, Crain, Caldwell, Campbell of Jo Daviess, Campbell of McDonough, Carter, F. S. Casey, Z. Casey, Choate, Colby, Cross of Woodford, Cloud, Churchill, Dale, Davis of Massac, Dement, Dunlap, Dunsmore, Edmonson, Evey, Farwell, Frick, Green of Clay, Harper, Harvey, Hatch, Hawley, Hayes, Heacock, Henderson, Hill, Hoes, Hogue, Hunsaker, Huston, James, Jenkins, Kreider, Kinney of St. Clair, Kitchell, Laughlin, Linley, McCully, McClure, McHatton, Manly Markley, Moffett, Morris, Nichols, Oliver, Pace, Palmer of Macoupin, Pratt, Peters, Powers, Robinson, Rountree, Scates, Stadden, Sherman, Smith of Gallatin, Shumway, Trower, Tutt, Vernor, Wead, Webber, Witt, Whiteside, and Worcester—84.

Those who voted for James M. Burt, are,

Adams, Canady, Cross of Winnebago, Church, Davis of Bond, Davis of McLean, Dawson, Deitz, Dummer, Edwards of Madison, Edwards of Sangamon, Eccles, Graham, Geddes, Green of Jo Daviess, Grinshaw, Harding, Harlan, Hay, Holmes, Hurlbut, Jackson, Jones, Judd, Knapp of Jersey, Knapp of Scott, Kenner, Knowlton, Knox, Lander, Lemon, Logan, Marshall of Coles, Marshall of Mason, Matheny, Mieure, Miller, Minshall, Northcott, Palmer of Marshall, Pinckney, Rives, Roman, Swan, Shields, Spencer, Servant, Sibley, Sim, Singleton, Smith of Macon, Thomas, Thornton, Turnbull, Turner, Tuttle, West, Williams, Whitney, and Woodson—60.

Those who voted for John S. Roberts, are,

Messrs. Green of Tazewell, Loudon, McCallen, Robbins and Vance—5.

H. G. Reynolds, having received a majority of all the votes given, was, by the president, declared duly elected assistant secretary of the convention to amend, alter, or revise the constitution of the state of Illinois.

The convention proceeded to the election of an assistant door-keeper.

Mr. Armstrong nominated Ralph Woodruff, of La Salle county.

On motion of Mr. Rountree,

The election proceeded by a division of the convention.



The question was put upon the election of Mr. Woodruff, and decided in the affirmative.

The president thereupon declared Ralph Woodruff to be duly elected assistant door-keeper of the convention.

The convention proceeded to the election of printer.

Mr. Sherman nominated Lanhier & Walker.

On motion of Mr. Armstrong,

The election proceeded by a division of the convention.

The question was put upon the election of Lanhier & Walker, as printers to the convention, and decided in the affirmative.

Those gentlemen were accordingly declared, by the president, to be duly elected.

On motion of Mr. Wead,

*Ordered*, That 200 copies of the rules for the government of the convention be printed for the use thereof.

On motion,

The convention adjourned to to-morrow morning at nine o'clock.

## THURSDAY, JUNE 10, 1847.

Convention assembled pursuant to adjournment.

Prayer by Rev. Mr. Dresser.

The journal of yesterday was read and corrected.

Mr. Minshall offered for adoption the following preamble and resolutions:

Whereas this convention has been called by the general assembly, under the constitution of this state, for the purpose of revising, altering, or amending the same; and whereas it is the opinion of this convention, in convention assembled, that the present constitution of this state needs amending in the following particulars, with others, to wit:

1st. The judiciary of this state should be changed in this: Instead of the present judiciary, a supreme court shall be established, to be composed of three judges, to be elected by the qualified voters of this state, in three districts into which the state shall be divided, and to hold their offices for the term of nine years.

2d. There shall be established, instead of the present circuit court system, circuit courts; and the judges to hold said courts shall be elected by the qualified voters of this state in their respective districts, to hold their offices for the term of six years; and the judges of the supreme and circuit courts shall be ineligible to any other office of honor or profit under the government of this state, or the United States, during the term for which they or either of them shall be elected judges.

3d. There shall be elected, in the respective judicial circuits, a circuit attorney, by the qualified electors of such circuits, respectively, to hold their office for two years.

4th. There shall be elected, in the respective judicial circuits, a circuit court clerk, by the qualified voters of the respective circuits, who shall hold their offices for the term of two years.

5th. There shall be elected, in the respective counties of this state, a sheriff and coroner, who shall hold their offices during the term of two



years; and the sheriff shall be ineligible to re-election for two years next ensuing the expiration of his term of office, and until he shall have fully settled up and paid over all moneys by him collected for revenue, or for individuals, and liquidated all dues and demands and liabilities on him in his office of sheriff.

6th. The council of revision shall be abolished, and the judges of the supreme court hereafter shall be relieved from such duty, and such connection of the judicial and legislative departments shall never hereafter be allowed.

7th. The judges of the supreme court shall receive for their services competent salaries, to be fixed by law, at not less than fifteen hundred dollars each, and which shall not be increased during the term for which they shall be elected.

8th. The circuit court judges shall receive competent salaries for their services, which shall not be less than twelve hundred dollars, and which shall not be increased in any instance during the term for which said judge may be elected.

9th. That the circuit and supreme courts shall in their organization be separate and distinct departments, and the legislature shall be restrained from ever uniting them, or dispensing with the circuit court system, or require the supreme court to do circuit duties, and the number of supreme judges shall at no time be made to exceed five in number.

*Resolved, therefore,* That a select committee of eighteen be appointed, two from each judicial circuit, to prepare an amendment to the constitution in these particulars, based on the foregoing propositions, and at their earliest opportunity report the same for the consideration and action of this convention.

On motion of Mr. Manly,

The preamble and resolutions were laid on the table.

On motion of Mr. Knapp of Scott,

*Resolved,* That a standing committee be added to the committees provided for by the rules of this convention, to be called the committee on Law Reform, whose special duty it shall be to inquire whether the basis can be laid in the amended constitution for any reform in the legal practice of this state.

Mr. Woodson offered for adoption the following:

*Resolved,* That this convention will hereafter meet at eight o'clock, A. M., and adjourn at twelve o'clock, M., and meet at three o'clock, P. M., and adjourn at six o'clock, P. M.

Mr. Scates moved to amend the resolution by striking out the word "eight," and inserting in lieu thereof the word "nine."

Mr. Linley moved to lay the resolution and amendment on the table.

Mr. Witt called for a division of the question.

The question was then taken on laying the amendment on the table, and decided in the affirmative.

The question was then taken on laying the resolution on the table, and decided in the affirmative.

Mr. Constable offered the following:

*Resolved,* That, until otherwise ordered, the hour of convening the



morning sessions of this body shall be at eight o'clock, A. M., and of the afternoon session at three o'clock, P. M.

Mr. Robbins moved to amend the resolution by striking out all after the words "eight o'clock, A. M."

The question having been taken on the amendment, was decided in the negative.

The question was then taken on the adoption of the resolution, and decided in the affirmative.

On motion of Mr. Edwards of Madison,

The 23d rule was amended by adding the following committees:

On the Militia and Military Affairs.

On Miscellaneous Subjects and Questions.

On the Revision and Adjustment of the articles of the Constitution adopted by this convention, and to provide for the alteration and amendment of the same.

Mr. Hayes offered for adoption the following preamble and resolution:

Whereas, in order to secure the prompt and efficient action of this body, it is necessary that some definite mode of proceeding should be adopted; and whereas much of the present constitution does not need amendment; and whereas each new constitutional provision should be submitted separately to the people; therefore,

*Resolved*, That this convention will prepare and adopt separately such amendments as may seem necessary, and will distinguish such amendments as may be adopted, that they may be voted on separately by the people.

Mr. Dement moved to refer the preamble and resolution to the committee on Miscellaneous Subjects and Questions.

Mr. Constable moved to lay the motion on the table.

The question having been taken on the last motion, it was decided in the affirmative.

Mr. Davis of Montgomery moved to lay the preamble and resolution on the table.

The question having been taken, it was decided in the affirmative.

On motion of Mr. Adams,

*Resolved*, That the secretary of state be requested to furnish this body with as full a statement as practicable of the amount and present condition of the school, college, and seminary fund of this state, and the prospect of their future receipts, and from what source or sources to be derived; and whether any portion of the same is withheld by the general government; and, if so, how much, and for what purpose; and, also, in what stocks the said fund is now held.

Mr. Peters offered for adoption the following resolution:

*Resolved*, That there be added to the standing committees of this convention a committee on Townships, with instructions to report whether it is expedient so to amend the constitution as to provide for the incorporation of the several townships in this state for municipal and other purposes.

The question having been taken on the adoption of the resolution, it was decided in the negative.



Mr. Harvey offered for adoption the following resolution:

*Resolved*, That the following committee be added to the committees now provided for by the rules of this convention, to wit: A committee on the state debt, to be selected in the same manner as the present rules require.

On motion of Mr. Shumway,

The resolution was laid on the table.

Mr. Loudon offered for adoption the following resolutions:

Whereas the people of the state of Illinois call for a thorough retrenchment in all the departments of our state government, and more especially in the legislative department of our government: therefore, be it

*Resolved by the convention* assembled, That, for objects of primary importance to the people of the state, the number of representatives and senators in the state legislature should be reduced from a hundred and sixty-two members down to seventy-five, leaving fifty members in the house of representatives and twenty-five in the senate; and that the number in both houses should never exceed one hundred and twenty, apportioned according to population, and that their pay should be three dollars per day during the session; and that, for the saving of time and money, and for the comfort of members, therefore,

*Resolved*, That all future legislatures should convene on the first Monday of October, every two years, and that their session be limited to sixty days.

On motion of Mr. Rountree,

The resolutions were referred to the committee on the Legislative Department.

On motion of Mr. Worcester,

*Resolved*, That the subject of incorporating townships be referred to the committee on Counties.

On motion of Mr. Davis of Massac,

*Resolved*, That the following be an additional rule of this body:

Rule 24. A quorum to do business shall consist of two-thirds of the members elected to this convention.

On motion of Mr. Z. Casey,

*Resolved*, That two hundred copies of the constitution of the state be printed in bill form for the use of the members of the convention.

Mr. Woodson offered the following preamble and resolutions:

Government is instituted in order to secure individuals in the enjoyment of three primary rights—of life, liberty, and property—and should be clothed with such power as may be necessary to prevent the commission of all acts injurious to these rights. As this power, given for protection, may be perverted and used as a weapon of oppression, it becomes a great desideratum, in organizing a free government, so to construct it that, whilst it has power to govern individuals, it should also be compelled to control itself. Mere paper declarations of rights, and paper limitations of power, however perfect in themselves, are insufficient for this purpose; for they will be disregarded at pleasure, if there is no organic provision for the distribution of power by which to ensure their observance; therefore,

*Resolved*, That the government of the state of Illinois should consist of



three co-ordinate departments, each independent of the others; and that the powers of the government should be so divided, and so distributed among these departments, that neither of them could, without the consent and co-operation of at least one of the others, injuriously affect either of the great rights of personal security, personal liberty, and private property.

*Resolved*, That the necessary distribution of powers for this purpose is into legislative, judicial, and executive departments; the first to prescribe general rules for the government of society; the second to expound and apply those rules to individuals in society; the third to enforce obedience to the judgments and decrees of the second, and to see that the laws are faithfully executed.

*Resolved*, That the several departments should be organized upon the following principles:

1st. The legislative department should consist of a senate composed of thirty senators, and a house of representatives composed of seventy members, with biennial sessions, to commence on the first Monday of January, and not to exceed in length thirty days; or, if it exceeds that time, the members to receive only half pay for such excess. The compensation of the members should be limited to two dollars per day until the state debt shall be paid, and not to exceed three dollars per day after that time. The legislature should elect no officers, except officers of their respective houses and senators of the United States. Its power to contract debts should be limited to one hundred thousand dollars, and not then without making provision for their liquidation.

2d. The judicial department should consist of one supreme court of three judges, to be elected in separate districts for the term of six years, and nine circuit judges, to be elected by the qualified voters of their respective circuits, for the term of six years, and of such inferior courts as this convention may ordain and establish. The judges of the supreme and circuit courts should receive the following salaries, to wit: the judges of the supreme court each                      dollars per annum, and the circuit judges each                      dollars per annum. The legislature should have power to increase the number of circuit judges when the business of the country shall require it.

3d. The executive department should consist of a governor and lieutenant governor, to be elected for the term of four years, and such subordinate officers as may be necessary for the transaction of the business of the department.

On motion of Mr. Woodson,

The preamble and resolutions were laid on the table.

Mr. Scates offered the following resolution:

*Resolved*, That the several revenue clerks in each county in the state be required to compile and report, forthwith, to this convention a tabular statement in the following form, showing the aggregate value of all taxable property, both real and personal; the amount per cent. levied upon the same for state purposes; the amount per cent. levied upon the same for county purposes; the aggregate amount of revenue derived from the same for state purposes; the aggregate amount of revenue derived from the same for county purposes, for each and every year since 1818, or



since the organization of the county, so far as the records and files of their respective offices, or other reliable sources of information, will enable them to do so.

*Resolved*, That a copy of these resolutions and annexed tabular statement be transmitted forthwith by the secretary to each revenue clerk in this state.

*Tabular Statement.*

Year.	Aggregate value of real and personal property.	Am't per cent. levied for state purposes.	Am't per cent. levied for county purposes.	Aggregate amount of state revenue.	Aggregate am't of county revenue.
1819	\$	cts.	cts.	\$	\$
1820					
1821					
1822					
1823					
1824					
&c.					
1845					

Mr. Akin moved to strike out all after the word "resolved," and insert the following:

"That the auditor of public accounts be requested to report to this convention the amount of revenue assessed in each county of the state of Illinois."

Mr. Church moved to amend the amendment by adding at the end thereof: "also that the clerks of the county commissioners' courts in this state be requested to report the county indebtedness in each county to this convention."

On motion of Mr. Constable,

The amendment and the amendment to the amendment were severally laid on the table.

Mr. Kenner moved to amend the resolution by striking out all after the word "resolved," and inserting in lieu thereof the following:

"That the secretary be requested to call on the auditor for the following information, in tabular form, relative to each county in this state, for the last ten years: the amount of real estate for each year, and the rate of assessment for state and county purposes, separately; also, the same statement relative to personal property."

On motion of Mr. Constable,

The amendment was laid on the table.

On motion of Mr. Caldwell,

The resolution was laid on the table.



Mr. Archer offered the following preamble and resolution:

Whereas a separation of the departments of government in the exercise of powers assigned to them by fundamental law, so as to keep each within the scope of its proper duties, is essential to every free government; therefore,

*Resolved*, That section 2d of article 1st of the constitution of this state, entitled "concerning the distribution of the powers of government," be amended as follows:

No person or number of persons, being one of the departments of government of this state, shall singly or collectively exercise any power or perform any duties hereafter confided to either of the others; and section 19 of article 3 of the constitution of this state, constituting the judges of the supreme court of this state a council of revision, is hereby abolished.

On motion of Mr. Archer,

The preamble and resolution were laid on the table.

Mr. Scates offered the following resolution:

*Resolved*, That a special committee of fourteen be appointed by the president, whose duty shall be to apportion and distribute to the standing committees the appropriate subjects for their consideration.

On motion of Mr. Knowlton,

The resolution was laid on the table.

Mr. McCallen offered the following resolution:

*Resolved*, That the several standing committees of this convention be composed of members chosen, alternately, from each congressional district of the state, and that each committee shall elect its chairman by ballot.

On motion of Mr. Campbell of Jo Daviess,

The resolution was laid on the table.

Mr. Davis of Montgomery offered the following resolution:

*Resolved*, That the committee on the Judiciary be and they are hereby instructed to report an amendment to the constitution providing for the election of judges of courts in the following manner, to wit:

The legal voters of the state shall elect three judges of the supreme court by general ticket, whose duties shall be to hold the supreme court of the state, and hold their office for the term of six years, and until their successors are elected; each of which judges shall receive the sum of one thousand dollars per annum, and no more.

The legal voters of each judicial circuit shall elect a circuit judge, who shall perform circuit duties, and shall hold their office for the term of six years, and receive a salary of one thousand dollars per annum, and no more.

That they so amend the constitution as to abolish the council of revision.

That the legal voters of each county in the state shall elect a clerk of the circuit court in each county, who shall hold their offices for six years, and until their successors are elected, whose fees shall be regulated by law.

That the legal voters of each judicial circuit shall elect a district attorney, who shall hold their office for six years, and until their successors are elected, and receive the sum of \_\_\_\_\_ dollars per annum.



On motion of Mr. Davis,

The resolution was laid on the table.

Mr. Palmer of Macoupin offered the following resolution:

*Resolved*, That the judicial system of this state should be composed of a supreme court, circuit courts, and such inferior courts as shall be hereafter established by law. That the supreme court shall be composed of not less than three nor more than five judges, who shall be appointed by the governor, by and with the advice and consent of the senate; shall hold their offices for the term of ten years, and shall receive for their services a compensation not exceeding twelve hundred dollars per annum, and shall be ineligible to any other office for and during the term for which they shall have been elected.

That the state shall be divided into a convenient number of judicial circuits, and in each of such circuits, there shall be elected, by the legal voters thereof, a judge, who shall hold his office for the period of ten years; who shall receive for his services the sum of one thousand dollars per annum, and shall be ineligible to any other office for and during the term for which he shall have been elected. Each of which said judges shall appoint a clerk of said courts in each of the counties of his circuit, who shall hold his office for and during the term for which said judge shall have been elected.

On motion of Mr. Geddes,

The resolution was laid on the table.

Mr. Evey offered the following resolution:

*Resolved*, That there shall be a general assembly of the state of Illinois, which shall consist of the senate and house of representatives. The senate hereafter shall consist of twenty-five members, and the house of representatives of fifty members, whose pay shall not exceed two dollars per diem. That hereafter there shall be but one session of the general assembly of Illinois in a period of four years, unless they are called together by the governor for some specific purpose; and when they have performed the work specified by the governor for which they were called, they shall adjourn.

The meeting of the general assembly shall be hereafter on the first Monday in January, and their session shall be confined to sixty days. The legislature shall be prohibited from loaning the credit of the state for the benefit of any person, body politic, or corporation whatever, except for war, to repel invasion, or to suppress insurrection, or unless it be for some specific object or work specified therein; and at the same time, they shall provide by law a tax for the payment of the interest promptly as it falls due, and for the payment of the principal in twenty years; but before said law shall be put in operation, it shall be submitted to the people for their sanction.

On motion of Mr. Evey,

The resolution was laid on the table.

On motion,

The convention adjourned until nine o'clock, to morrow morning.



FRIDAY, JUNE 11, 1847.

The convention assembled pursuant to adjournmet.

Prayer by Rev. Mr. Hale.

The journal of yesterday was read.

The president presented a writing purporting to be a petition or instructions on various subjects, signed by seventy-four citizens of the state of Illinois, the reading of which was begun, when,

On motion of Mr. Manly,

The same was laid on the table.

Mr. Northcott offered the following resolution :

*Resolved*, That the constitution be so amended as to permit the legislature to levy a poll tax of one dollar or less on each voter, to be appropriated to the liquidation of our state debt.

On motion of Mr. Stadden,

The resolution was laid on the table.

Mr. Rountree offered the following resolution :

*Resolved*, That there shall be established in each of the counties of this state, and in each county hereafter to be created, a court of record, to be composed of the justices of the peace of the respective counties. That said court shall have a clerk, who shall be *ex officio* recorder of deeds, and register of probate. Said justices of the peace and clerk of said court shall be elected quadrennially by the qualified voters of the respective counties.

On motion of Mr. Whitney,

The resolution was laid on the table.

Mr. Edmonson offered the following:

Whereas, retrenchment is one of the primary objects of this convention, and the financial condition of our state demands that economy should be observed in every department of this government ; therefore,

*Resolved*, That the general assembly of this state shall not consist of more than one hundred and twenty members, eighty in the house and forty in the senate.

*Resolved*, That the sessions of the general assembly of this state shall not exceed sixty days, and the members of the same shall receive a compensation for their services of two dollars per day.

*Resolved*, That the general assembly of this state shall be convened on the 1st Monday in January, 1848, and thereafter there shall be biennial sessions of the legislature of this state, commencing always on the first Monday in January.

On motion of Mr. Geddes,

The preamble and resolutions were laid on the table.

Mr. Jenkins offered the following preamble and resolutions :

Whereas government is instituted for the common good ; for the protection, safety, prosperity, and happiness of the people, and the offices created for their benefit; all officers, then, whether executive, legislative, or judicial, are the trustees and servants of the people, and at all times accountable to them. In order to prevent those who are vested with au-



thority from becoming oppressors, the people have a right, in such manner as they may in a legal way prescribe, to cause their public officers to return to private life, and to fill up vacant places, by certain and regular elections; and whereas this convention has been called in accordance with the provisions of the constitution of this state, for the purpose of altering or amending the same; and whereas it is the opinion of this convention that the present constitution of this state ought to be altered in some respects, and so amended as to embrace within it the principles contained in the following provisions, to wit:

1. The council of revision should be abolished.

2. That there be established a supreme court composed of three judges, to be elected by the qualified voters of this state, to hold their office for eight years.

3. That there be circuit courts established, separate from the supreme court; the judges of circuit courts to be elected quadrennially by the qualified voters of the state in their respective circuits.

4. That there be elected quadrennially by the qualified voters of the state, a secretary of state, an auditor of public accounts, a state treasurer, and an attorney general for the state.

5. That there be a circuit attorney elected biennially, by the qualified voters in each judicial circuit.

6. That the judges of the supreme court receive an annual salary of \$1,000, the judges of the circuit courts an annual salary of \$800 each, the secretary of state an annual salary of \$600, the auditor of public accounts an annual salary of \$1,000, the state treasurer an annual salary of \$600, the attorney general an annual salary of \$450, and the circuit attorneys an annual salary of \$200 each.

7. That there be elected biennially, by the qualified voters in each county in this state, a sheriff, coroner, clerk of the circuit court, of the county court, recorder; judge of probate, county surveyor, assessor, collector, and as many justices of the peace as may be necessary for the county. The justices of the peace to be elected in districts as the legislature may direct.

8. That the county commissioners' court be abolished, and the justices of the peace in each county compose a court to perform the duties now performed by the county commissioners' court.

9. That the legislature of the state consist of one hundred and thirty-six members, the senate of thirty-six, and the house of one hundred members. The senators to be elected quadrennially, and the representatives biennially, by the qualified voters of the counties or districts from which they are sent; to sit biennially. To be paid \$2 50 per day while in session, and \$2 for every twenty miles travel going to and returning from the seat of government. The legislature to be restrained from borrowing money on the faith of the state, unless the amount to be borrowed, and the object to which it is to be applied, be first submitted to the people to be voted upon; if sanctioned by them, it may be borrowed, but not otherwise.

10. That the legislature be prohibited from granting to any individual, company, or incorporation, the privilege of issuing or putting in circu-



lation any bill or notes, of any kind, to be circulated or used as money or in lieu of money.

11. That the legislature be prohibited from granting charters, or incorporating companies to concentrate capital, to carry on any kind of business, except for the encouragement of schools, colleges, or seminaries of learning, unless the stockholders are made liable out of their individual estates, for all the debts created by such incorporated company in their corporate capacity.

12. That at all elections, all white male inhabitants, natives of the United States, of the age of twenty-one years, having resided in the state six months next preceding the election, shall enjoy the right of electors. Every foreigner who comes to settle in this state, and resides here six months, and will take an oath to support the constitution of the United States, and of this State, shall be entitled to the right of an elector.

13. That taxes and representation shall be equal.

14. That private property be not taken for public use, unless by the consent of the owner, or by the decision of a jury to be called to decide as well whether the public good requires the property to be taken, as to assess the amount of damages to be paid for it; therefore,

*Resolved*, That the 1st, 2d, and 8th of the foregoing propositions be referred to the committee on the Judiciary Department; that the 4th, 5th, 7th, and 12th, be referred to the committee on Elections and Right of Suffrage; that the 6th proposition be referred to the committee on Finance; that the 9th, 10th, and 14th propositions be referred to the committee on the Legislative Department; that the 11th proposition be referred to the committee on Incorporations; and that the 13th proposition be referred to the committee on Revenue. Which,

On motion of Mr. Jenkins,

Were laid on the table.

Mr. Scates offered the following:

*Resolved*, That in organizing the executive department, the committee on that department inquire into the expediency of modifying so far only as,

1. To take away from that department all power of appointment.

2. To invest the executive with a qualified *veto*, for constitutional objections only.

3. To modify the power of pardoning.

4. To limit the power of convening the legislature to such causes *only* as are rendered *extraordinary* by the public interests.

5. Fix the executive salary at \$            per annum.

6. The election of a secretary of state by the electors throughout the state, for a term of            years, and at a salary of \$            per annum.

7. The election of an auditor of public accounts in like manner, for a term of            years, and at a salary of \$            per annum.

8. The election of a state treasurer in like manner for a term of            years, and at a salary of \$            per annum.

9. The election of a public printer in like manner, whose duties and compensation shall be fixed and regulated by law, and whose term of office shall be            years.

10. The election in like manner of an attorney general, whose term of office shall be            years, and salary of \$            per annum.



11. The election, by the proper circuit, of one state's attorney, whose term of office shall be            years; and salary \$            , and such fees as may be allowed by law.

*Resolved,* That in the organization of the judiciary department, the committee on that department inquire into the expediency,

1. Of preserving, distinct, the powers and principles of law and equity; and the courts in which they may be exercised and administered.

2. The organization of a supreme court with appellate jurisdiction only; to be held by one chief justice, with            associates, to be appointed by the qualified electors by general ticket; tenure of office to be            years, at a salary of \$            per annum.

3. The organization of circuit courts, with original common law and equity jurisdiction, and appellate from inferior courts, to be held by one circuit judge; his appointment by the qualified electors of his own circuit, tenure of office to be            years, ineligibility to the next succeeding term, at a salary of \$            per annum.

4. The organization of county courts, with general police jurisdiction in county affairs, and with limited jurisdiction in criminal and civil causes, including cases of wills and intestacies, to be held by the justices of the peace; tenure of office            years.

5. The organization of courts of justices of the peace, with limited civil and criminal jurisdiction in cases of misdemeanors, to be appointed for            years by the qualified electors of the county, to reside in prescribed districts—compensation, fees.

6. Appointment of clerks to the respective courts in same manner as judges.

*Resolved,* That in the organization of the legislative department, the committee on that department inquire into the expediency,

1. Of limiting the members of the house of representatives to            in number.

2. Of limiting the number of senators to            .

3. Of fixing the proportion of the two houses, never to be more than four nor less than two to one.

4. Of limiting the whole number never to exceed            nor be less than            , and the number to be altered only once in            years.

5. Of fixing the compensation of members at \$            per day, speakers at \$            , secretaries at \$            , door-keepers at \$            , other clerks at \$            per day.

6. Of limiting the powers of the legislature to acts of a general nature, or such as concern the public interest generally or locally.

7. Of prohibiting private legislation for individual, company, or corporate benefit, except at the expense of the applicants.

8. Of prohibiting the passing of special acts for the relief of negligent, careless, and defaulting public officers, except at their own expense.

9. Of limiting the powers of legislation, when convened on extraordinary occasions, to those causes only communicated by the executive.

10. Of limiting sessions of the legislature not to exceed            days.

11. The abolition of the council of revision.

12. The prohibition to the legislature of all power of appointment, except of U. S. senators, and its own officers.



Mr. Scales moved to refer the resolutions to a committee of the whole convention ;

On motion of Mr. Hurlbut,

The resolutions were laid on the table.

Mr. Robbins offered the following:

*Resolved*, That the delegates of each congressional district in the state be constituted a select committee to meet to day at two o'clock, P. M., for the purpose of appointing from their respective members, a select committee of two, whose duties it shall be to consult with and advise the president, in relation to the appointment of the standing committees of the convention, and that the president forthwith appoint the respective chairmans of said committees ; which,

On motion of Mr. Campbell of Jo Daviess,

Was laid on the table.

Mr. Shields offered the following:

*Resolved*, That the elections of this state be changed from the first Monday in August to the first Monday in November in each year.

On motion of Mr. Shumway,

The resolution was laid on the table.

Mr. Archer offered the following:

*Resolved*, That the secretary be authorized to procure suitable well bound books, in which to record the proceedings of this convention, and, if necessary, to employ a copyist to perform that service.

*Resolved*, That a like number of the journals of the proceedings of this convention be printed and bound for distribution as were printed of the proceedings of the last legislature.

*Resolved*, That the general assembly hereafter to be convened under the constitution of this state shall be limited in its sessions to sixty days, at a per diem allowance of two dollars, or a per diem allowance of one dollar after that time, for such period as the general assembly may deem proper and necessary to prolong the session.

Mr. Peters moved to lay the second and third resolutions on the table, and the question having been taken, was decided in the affirmative.

Mr. Archer withdrew the first resolution.

Mr. Thomas introduced the following:

*Resolved*, That the secretary be authorized to procure suitable well bound books in which to record the proceedings of this convention, and, if necessary, to employ a copyist to perform that service.

Mr. Kitchell moved to strike out all after the word "resolved," and insert the following:

"That the secretary of state furnish for this convention well bound books for recording the journals of this convention, and that the convention proceed to appoint an additional secretary, whose duty it shall be to copy the journals of this convention in such books.

Mr. Whitney moved to lay the resolution and amendment on the table.

Mr. Kitchell called for a division of the question.

The question was then taken on laying the amendment on the table, and it was decided in the affirmative.

Mr. Whitney withdrew the remainder of his motion.



Mr. Kinney of St. Clair offered the following amendment, by which he proposed to strike out after "resolved," and add

"That the assistant secretary of the convention act as the copyist of the journal."

On motion of Mr. Scates,

The resolution and amendment were laid on the table.

Mr. Campbell of McDonough offered the following:

*Resolved*, That no negro, mulatto, Indian, or other person of mixed blood of the one-eighth blood, shall ever be permitted, or in anywise allowed to attain, use or acquire citizenship or residence in this state from and after the adoption of the constitution, which this convention is now called to frame.

On motion of Mr. Cross of Winnebago,

The resolution was laid on the table until the first day of December next.

Mr. Brockman offered the following:

*Resolved*, That hereafter no new county shall be created by the legislature of this state, and organized by the people of said county, unless the same shall contain an area of four hundred square miles.

On motion of Mr. Markley,

The resolution was laid on the table.

Mr. Worcester offered the following:

Believing that important measures are necessary to advance the cause of education, the basis of our republican form of government, and to elevate the moral standard of common schools, the only source from which most of our youth derive their education; therefore,

*Resolved*, That an article be ingrafted into our state constitution creating the office of state superintendent of common schools, who shall be elected by the people and hold his office for the term of four years, and until his successor is elected and qualified, and receive a salary of \$ , whose duty it shall be to have the general superintendence of common schools in this state, and report the condition of the same in a manner and as often as may be required by law. Also, that county superintendents of schools be elected in every county at their general elections, and hold their office for the term of two years, and receive from the county revenue a reasonable compensation, to be fixed by law, whose duty it shall be to superintend the schools in the several counties, and report to the state superintendent from time to time as he may require.

Mr. Shumway proposed to amend the resolution by adding the following:

"And that the legislature be prohibited from borrowing the school, college and seminary fund."

On motion of Mr. Peters,

The resolution and amendment were laid on the table.

Mr. Sharpe offered the following:

*Resolved*, That the following be an additional rule of the convention:

**RULE —** No member shall be allowed to address this convention for a longer period than one hour at a time.

On motion of Mr. Stadden,

The resolution was laid on the table.



Mr. Bosbyshell offered the following:

*Resolved*, That the ratio of representation shall not allow more than two members to any one county, and that each county shall have one representative.

On motion of Mr. Cross of Winnebago,

The resolution was laid on the table.

Mr. Geddes offered the following:

*Resolved*, That the constitution be so amended that all elections shall be by ballot.

Which, on his motion, was laid on the table.

Mr. Marshall offered the following:

*Resolved*, That the elective franchise in this state shall be confined to white male citizens of the United States, and to such unnaturalized foreigners as have heretofore exercised the privilege of voting: *Provided*, such foreigners immediately declare their intention of becoming citizens according to law.

On motion of Mr. Colby,

The resolution was laid on the table.

Mr. Wead offered the following resolution; which was adopted:

*Resolved*, That the governor of this state be requested to furnish this convention with a full statement of the amount of the public debt, for what purpose contracted, and when payable. Also, a full statement of the means, present and prospective, at the command of the state for the payment of such debt, and the amount paid thereon since 1840.

Mr. Grimshaw offered the following resolution; which was adopted:

*Resolved*, That the auditor of state be requested to furnish this convention, in tabular form, a statement of the revenue of the several counties of this State. Also, of the state revenue from the year 1839, inclusive, to the present year. Also, that the auditor of state transmit a copy of this resolution to the clerks of the several county commissioners' courts, with the request that said clerks transmit in form, aforesaid, all information on the subjects aforesaid, which can be obtained from the files and records of said counties, and that the said clerks further report the amount of the indebtedness of said counties to said auditor.

Mr. Woodson offered the following, as an additional rule, viz:

"No standing rule of this convention shall be rescinded without a vote of two-thirds of the convention."

And the question having been taken on the adoption of the rule, was decided in the negative.

On motion of Mr. Pratt,

The last clause of the 17th rule was suspended.

Mr. Minshall moved that the vote taken upon concurring with the committee on rules, in their adoption, be reconsidered; and pending the question, upon which motion,

Mr. Edwards of Sangamon offered the following order; which was adopted:

*Ordered*, That, (until further ordered) any standing rule or order of the convention may be rescinded or amended by a majority of the convention.



That the convention now proceed to take into consideration the amendment of the rules.

So the rules were taken under consideration.

Mr. Markley moved to amend rule six by striking out the word "ten," and inserting "four" in lieu thereof.

The question having been taken, it was decided in the negative.

Mr. McCallen moved to strike out the 12th rule, and insert in lieu thereof the following:

"All the standing committees shall be appointed by the president, and chosen alternately from the several congressional districts of the state, and they shall elect their chairmen by ballot."

The question having been taken on the amendment, it was decided in the negative.

Mr. Robbins moved the following, as an amendment to the 16th rule, to be added to it:

"And each member, while speaking, shall confine himself to the subject matter in debate before the convention."

And on the adoption of the same the yeas and nays were demanded; when,

On motion,

The convention adjourned to three o'clock. P. M.

### THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

The convention resumed the consideration of the amendment to the 16th rule, offered by Mr. Robbins.

Mr. Hay moved the following, as an amendment to the amendment, to be added thereto:

"And that no member shall speak more than thirty minutes at one time."

Mr. Thomas moved to lay the amendment and the amendment to the amendment on the table;

Mr. Allen called for a division of the question;

The question having been taken, the amendment to the amendment was laid on the table.

The question was then taken upon laying the amendment upon the table, and decided in the affirmative.

Mr. Markley moved to amend the 17th rule by striking out all after the word "convention."

And the question having been taken on the proposed amendment, it was decided in the negative.

Mr. Palmer of Macoupin moved to amend the 18th rule by striking out the words "except so much of the 16th rule as restricts the speaking to more than twice."

The question having been taken, it was decided in the negative.



Mr. Sharpe moved the following, as an additional rule; which was adopted:

**RULE** —. The rules of the convention may be suspended in whole or in part by the consent of two-thirds of the members present.

Mr. Edwards moved the following as an additional rule; which was adopted:

**RULE** —. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, the previous question, to commit or amend, to postpone to a day certain, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit or postpone indefinitely, being decided shall be again allowed at the same stage of the proposition.

Mr. Williams moved to take from the table the preamble and resolutions introduced yesterday by Mr. Woodson; and the question having been taken, it was decided in the affirmative.

So the resolutions were taken up for consideration.

Mr. Logan moved to amend the second proposition in the second resolution, by striking out the three first lines and inserting the following in lieu thereof:

“The supreme court shall consist of three judges, to be elected in districts, but after the election it shall be decided by lot which of them shall have the first class, which the second, and which the third; the judge drawing in the first class shall hold his office for four years, the one drawing the second for eight years, and the one drawing the third shall hold his office for twelve years.

On motion of Mr. Thomas,

The preamble, resolutions, and amendment were referred to a committee of the whole convention—Mr. Sherman in the chair; after some time spent in the consideration of the first resolution,

On motion of Mr. Ballingall,

The committee rose, reported and asked leave to sit again.

The question recurring—“Shall the committee have leave to sit again?” on being taken, was decided in the negative.

On motion,

The convention adjourned until Monday morning, nine o'clock.

## MONDAY, JUNE 14, 1847.

Convention assembled pursuant to adjournment.

Prayer by Rev. Mr. Barger.

The journal of Friday was read and corrected.

Mr. Ballingall presented the certificate of election of one of his colleagues, David L. Gregg, delegate from the county of Cook;

James M. Lasater, member of the convention elect, from the county of Hamilton, also presented his certificate of election;

Whereupon, Messrs. Gregg and Lasater appeared, and the oath of office was administered by James W. Keys, esq.



The president announced the following as the standing committees of the convention:

*On the Executive Department.*—Messrs. Lockwood, Rountree, Vance, Manly, Sharpe, Huston, Evey, Worcester, Hay and Frick.

*On the Judiciary Department.*—Messrs. Scates, Logan, Henderson, Ballingall, Hoes, Harlan, Farwell, Minshall, Wead, Davis of Massac, and Hurlbut.

*On the Legislative Department.*—Messrs. Dement, Williams, Dale, Constable, Thompson, Z. Casey, Witt, Servant, Marshall of Mason, Peters, Judd, Rives, Pace, Powers and Heacock.

*On the Bill of Rights.*—Messrs. Caldwell, Grimshaw, Trower, Cross of Winnebago, Webber, Knapp of Jersey, Carter, Atherton, Hunsaker and Sim.

*On Incorporations.*—Messrs. Harvey, Dummer, Bosbyshell, Edmonson, Green of Tazewell, Anderson, Kinney of St. Clair, Allen, Whitney, Spencer and Lasater.

*On Revenue.*—Messrs. Z. Casey, Thomas, Green of Clay, Knox, Laughlin, Palmer of Marshall, Stadden, McClure, Eccles, Jones and Vernor.

*On Elections and Right of Suffrage.*—Messrs. Davis of Massac, Green of Jo Daviess, Marshall of Coles, Brown, Geddes, Ballingall, Hawley, Armstrong, McCallen, Oliver and Knowlton.

*On Finance.*—Messrs. Sherman, Davis of Montgomery, Hogue, Archer, Robbins, Dunlap, Blakely, Brockman, Pratt, Mieure, Harper, Roman, Hatch, Adams and West.

*On Education.*—Messrs. Campbell of Jo Daviess, Edwards of Madison, Shumway, Smith, of Gallatin, Palmer of Macoupin, Pinkney, Matheny, Choate, Harding, Churchill, Turner, Tutt, Robinson and Shields.

*On the Organization of Departments and offices connected with the Executive Department.*—Messrs. Archer, Gregg, Edwards of Sangamon, Miller, McCully, Lander, McCallen, Church, Akin, Loudon, Kinney, of Bureau, Sibley, Kenner and Moffett.

*On the Division of the State into Counties and their Organization.*—Messrs. Jenkins, Lasater, Blair, Markley, Graham, Simpson, Mason, Cross of Woodford, Turnbull, Canady and Hill.

*On the Militia and Military Affairs.*—Messrs. Whiteside, Morris, James, McHatton, Deitz, Holmes, Kreider, Huston, Tuttle, Smith of Macon, Dawson, Moore and Jackson.

*On the Revision and Adjustment of the articles of the Constitution adopted by this convention, and to provide for the alteration and amendment of the same.*—Messrs. Edwards of Madison, Scates, Logan, Allen, Knowlton, Butler, Singleton, Holmes, Caldwell, Norton, Farwell, Gregg, Woodson and Thomas.

*On Miscellaneous subjects and questions.*—Messrs. Crain, Bunsen, Campbell of McDonough, F. S. Casey, Colby, Cross of Woodford, Dunn, Dunsmore, Lemon, Linley, Nichols, Smith of Macon, and Northcott.

*On Law Reform.*—Messrs. Hayes, Knapp of Scott, Woodson, Thornton, Kitchell, Davis of McLean, Bond, Norton, Thomns, Kinney of St. Clair, and Edwards of Sangamon.



Mr. Minshall withdrew the motion made by him on Friday last, to reconsider the vote taken upon concurring with the committee on Rules, in their adoption.

On motion of Mr. Dement,

*Ordered*, That two hundred copies of the rules and a list of the standing committees be printed for the use of members of this convention.

The president laid before the convention a communication from the secretary of state, in reply to a resolution of the convention, requesting a "statement of the amount and present condition of the school, college and seminary fund of this state and the prospects of their future receipts," &c., which was read, and

On motion of Mr. Witt,

Laid on the table.

Mr. Shumway offered the following:

*Resolved*, That the following rules of action ought to be inserted in the new constitution:

1st. On the final passage in either house of the general assembly of every act which imposes, continues or revives any appropriation of public or trust money or property; or releases, discharges, or commutes any claim or demand of the state, the question shall be taken by the yeas and nays, which shall be duly entered upon the journals, and three-fifths of all the members elected to either house shall, in such cases, be necessary to make a quorum therein.

2d. No appropriation shall ever be paid out of the treasury of this state, or any of its funds, or any funds under its management, except in pursuance of an appropriation by law; nor unless such appropriation be made within ——— years, next after the passage of such appropriation act; and every such law, making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum specified and the object to which it is applied, and it shall not be sufficient for such law to refer to any law to fix such sum.

3d. The legislature shall not grant extra compensation to any officer, agent, servant or public contractor, after such public service shall have been performed, or contract entered into for the performance of the same.

4th. The legislature shall have power to make any deductions from the salaries of public officers who may neglect the performance of any duty that may be assigned them by law.

On his motion, the resolution was referred to the committee on the Legislative Department.

Mr. Dale offered the following:

*Resolved*, That tribunals of conciliation be established, with powers and duties to be prescribed by law, whose judgment shall be obligatory on the parties where they voluntarily submit their matters in difference, and agree, before such tribunal, to abide the decision of such tribunal.

Which, on his motion, was referred to the committee on the Judiciary Department.

Mr. Dement offered the following:

*Resolved*, That the order of proceeding in the amendment, revision or alteration of the present constitution of this state, shall be the reading of the articles and sections thereof, in their order, and referring them,



together with such amending propositions as may seem expedient, to appropriate committees for their consideration.

Mr. Brockman, moved to amend the resolution by striking out all after the word "resolved," and inserting the following:

"That the government of the state of Illinois, shall consist of three distinct and separate powers or departments, to-wit:

1st. The executive,

2d. The legislative, and

3d. The judicial.

And no person or collection of persons, belonging to, or in anywise exercising the powers of one of those departments, shall exert or exercise any powers properly attached to either of the others, except in the instances herein expressly permitted.

The supreme executive power of this state shall be vested in a chief magistrate, who shall be styled "the governor of the state of Illinois," who shall be elected for the term of four years by the qualified electors of this state, at the time and places where they shall respectively vote for the members of the general assembly. He shall be, at least, thirty-three years of age, and a citizen of the United States, and at his election he shall have been an inhabitant of this State for five years next preceding said election.

There shall be a lieutenant governor elected for the same term of years, in the same manner, at the same time, and possess the same qualifications as the governor, who shall be, *ex officio*, speaker of the senate, and superintendent of common schools, who shall receive an annual salary of ——— dollars.

Every governor so elected shall have power to appoint a secretary of state, by and with the consent of the senate and house of representatives, who shall remain in office during the term for which the governor is elected, and who shall receive an annual salary of one thousand dollars.

There shall be in this state an auditor of public accounts, elected for the term of four years by the qualified electors of this state, who shall receive an annual salary of fifteen hundred dollars.

There shall be in this state a state treasurer, elected for the term of four years by the qualified electors of this state, who shall receive an annual salary of one thousand dollars.

There shall be in this state an attorney general, elected for the term of four years by the qualified electors of this state, who shall receive an annual salary of eight hundred dollars, and who shall perform the duties of district state's attorney in the judicial district in which the capital is situated.

The legislative power of this state shall be vested in two separate and distinct branches, to wit: a senate and house of representatives, to be styled "the general assembly of the state of Illinois."

The state senators shall be elected by the people for the term of four years, in the manner hereinafter prescribed, and each senator shall be above the age of twenty-five years, and a citizen of this state three years next preceding his election.

The members of the house of representatives shall be elected by the people of this state for the term of two years, in the manner hereinafter



prescribed, and each member shall be above the age of twenty one years, and a citizen of this state three years next preceding his election.

The senate shall be composed of forty members, who shall be elected from senatorial districts to be created by the legislature, and based upon the ratio of the free white inhabitants of this state. Each member shall receive three dollars per day during the session of the general assembly.

The house of representatives shall be composed of one hundred members, for thirty years next succeeding the adoption of the constitution, who shall be elected from representative districts to be created by the legislature, based upon the ratio of the free white inhabitants of this state. Each member shall receive three dollars per day during the session of the general assembly.

The general assembly of this state shall convene at the capital on the first Monday in January, 184-, and biennially thereafter; the sessions thereof, whether general or special, shall not be for a longer term than sixty days, but the governor shall have power to prolong said sessions, if in his opinion the interests of the people demand the same.

The senate and house of representatives shall have power to elect a public printer, and each body shall elect such other officers as shall be necessary for the speedy transaction of business.

The judicial power of this state shall be vested in one supreme court, and ten circuit courts. The supreme court to be composed of three members, who shall be elected by the people by general ticket, and who shall serve for a term of eight years, and each justice thereof shall receive an annual salary of fifteen hundred dollars. Said supreme court shall hold its sessions semi-annually, on the first Monday in June and December at the capital of this state.

The judges of the circuit courts shall be elected in judicial circuits by the qualified voters thereof, and shall serve for a term of four years and shall receive annual salaries of one thousand dollars each.

The people of each judicial circuit shall elect a state's attorney, who shall receive an annual salary of three hundred dollars, and shall serve for the term of four years.

Each county in this state shall elect a clerk to its respective circuit court, who shall serve for a term of four years.

All regular elections for members to the Congress of the United States, and for state and county offices, shall be on the first Monday of October.

All free white male inhabitants of this state, being natives of the United States, and all aliens who first shall have filed in a proper court of record their intentions *bona fide* to become citizens of the United States, and who shall have resided in this state one year, shall be qualified electors and admitted to exercise the right of suffrage upon paying a capitation tax.

There shall be a county court established in each county in this state, to be composed of the justices of the peace thereof, to be elected every two years. Said court shall have jurisdiction over all county matters and county revenues and also probate jurisdiction, and have the settlement of all estates of deceased persons.

All assessments of property, whether real, personal or mixed shall be *ad valorem*.



There shall be a capitation tax of one dollar levied upon each and every free white male inhabitant of this state over the age of twenty-one years.

The legislature of this state shall not create any bank or banking privileges of any name or nature whatever, and no institution shall be created in this state vested with power to issue bills of credit.

Mr. Worcester moved to amend the amendment by striking out the words:

"The house of representatives shall be composed of one hundred members," and the words, "the senate shall be composed of forty members," and insert in lieu thereof the following:

"The senate shall consist of twenty members; the house of representatives of fifty members, until the year 1860, when, if the legislature shall deem proper, it may increase the number of both houses ten members, to be in the same ratio, and so on, increasing ten members every ten years thereafter, never however to exceed one hundred."

On motion of Mr. Robbins,

The amendment and the amendment to the amendment were laid on the table.

Mr. Churchill moved to amend the resolution by striking out all after word "resolved," and inserting in lieu thereof the following:

"That the convention now receive resolutions and propositions to be referred to the committee on the Executive Department."

The question being taken upon amending the resolution, it was decided in the negative.

On motion,

The convention adjourned until 3 o'clock, P. M.

### THREE O'CLOCK, P. M.

The convention met.

The question pending at the adjournment was on the adoption of the resolution offered this morning by Mr. Dement, which he modified so as to make it read thus:

*Resolved*, That in convention the order of proceeding in the amendment, revision or alteration of the present constitution of this state, shall be to take it up and read in their order the articles and sections thereof; or referring the amending propositions to appropriate committees for their consideration:

*Resolved*, That so much of the constitution as relates to the executive department be committed to the committee on the Executive Department.

That so much as relates to the judiciary be committed to the committee on the Judiciary Department.

So much as relates to the legislative department be referred to the committee on the Legislative Department.

So much as relates to the bill of rights to the committee on the Bill of Rights.

So much as relates to incorporations to the committee on Incorporations.

So much as relates to revenue to the committee on Revenue.



So much as relates to elections and the right of suffrage, to the committee on Elections and the Right of Suffrage.

So much as relates to finance to the committee on Finance.

So much as relates to education to the committee on Education.

So much as relates to the organization of the departments and officers connected with the executive departments, to the committee on the organization of the Departments and officers connected with the Executive Department.

So much as relates to the division of the State into counties, and their organization, to the committee on the Division of the State into Counties and their Organization; and

So much as relates to the militia and military affairs to the committee on the Militia and Military Affairs.

Mr. Shumway moved to amend said resolutions by striking out all after the word "resolved," and insert the following:

"That the different portions of the present constitution shall be referred to the appropriate committees for their consideration and action by report. And that this convention proceed to the further consideration of the amendment, revision and alteration of the constitution, by considering, in convention or in the committee of the whole, such propositions for amendments as may be submitted to this convention."

And the question having been taken upon amending the resolution as proposed, it was decided in the negative.

The question was then taken upon the adoption of the resolution as modified, and decided in the affirmative.

So the resolution as modified was adopted.

On motion of Mr. Woodson,

*Resolved*, That whenever a standing committee shall report to this convention, said report shall be taken up and considered and disposed of before any other proposition shall be taken up.

Mr. Markley moved that the vote taken upon Mr. Dement's modified resolution, adopted this afternoon, be re-considered; which, under the rule, lies over to a subsequent day.

On motion of Mr. Minshall,

The order of business specified in Mr. Dement's modified resolution, was suspended for to-day.

Mr. Markley offered the following:

*Resolved*, That the committee on Incorporations be and they are hereby instructed to report an amendment of the constitution, prohibiting forever within this state the incorporation of any bank or company for banking purposes, and the manufacture and emission by any company, copartnership, or individual, of any bank note, or other paper designed to circulate as paper money.

Mr. Pratt moved to amend the resolution by striking out all after the word "resolved," and inserting in lieu thereof the following:

"That the standing committee on Incorporations be instructed to inquire into the expediency of reporting the following provisions, to be adopted in the amended constitution:

"1. There shall be no bank of issue or discount within this state.



"2. The legislature shall not have power to authorize or incorporate, by any general or special law, any bank or other institution having any banking power or privilege, or to confer upon any corporation, institution, person, or persons, any banking power or privilege.

"3. It shall not be lawful for any corporation, institution, person, or persons, within this state, under any pretence or authority, to make or issue any paper money, note, bill, certificate, or other evidence of debt, intended to circulate as money.

"4. It shall not be lawful for any corporation within this state, under any pretence or authority, to exercise the business of receiving deposits of money, making discounts, or buying or selling bills of exchange, or to do any other banking business whatever.

"5. No bank or agency of any bank or banking institution of the United States, or any state or territory within or without the United States, shall be established or maintained within this state.

"6. It shall not be lawful to circulate within this state, after the year 1848, any paper money, note, bill, certificate, or other evidence of debt whatever, intended to circulate as money, issued without this state, of any denomination less than ten dollars; after the year 1850, of any denomination less than twenty dollars.

"7. All payments made, or business transactions done, in paper money, in this state, and coming within the meaning of the last section, are declared to be utterly void; and the legislature shall, at its first session after the adoption of these amendments, and from time to time thereafter as it may be necessary, enact adequate remedies for the punishment of all violations and evasions of the provisions of the preceding section."

Mr. Laughlin moved to amend the amendment by substituting in lieu thereof the following:

"That the legislature of this state shall have no power to incorporate any bank or banks, or other monied institution, without such act of incorporation being first sanctioned by a direct vote of the people of this state."

On motion of Mr. Thomas,

The resolution and amendments were referred to the committee on Incorporations.

Mr. West offered the following:

*Resolved*, That no *ex post facto* law, nor any law impairing the validity of contracts, nor any law lessening the remedy of creditors in the collection of debts from the remedy in force at the time of contracting such debts, nor any law legalizing the suspension of specie payments by any bank hereafter created in this state shall ever be passed.

On his motion, it was referred to the committee on the Judiciary Department.

On motion of Mr. Harvey,

*Resolved*, That the constitution of this state be so amended as to abolish the council of revision.

On motion of Mr. Edmonson,

*Resolved*, That the committee on Revenue be instructed to report to this convention an amendment to the constitution, declaring that the legislature shall never assess the value of property subject to taxation, and



providing that all taxable property shall be assessed at its intrinsic value by an assessor appointed for that purpose.

Mr. Dawson offered the following:

Whereas the good people of this state require at our hands economy in every department thereof; therefore, be it

*Resolved*, That this convention will prohibit the establishment of the office of public printer, and all printing thereafter shall be done by the lowest responsible bidder, under proper regulations of law.

On his motion, the preamble and resolution were referred to the committee on Finance.

Mr. Dawson offered the following:

*Resolved by this convention*, That all taxes arising from pleasure carriages, gold and silver watches, gold and silver plate, money at interest, and bank stock, shall forever be applied by the legislature for common school purposes. All fines and forfeitures accruing to the state shall be added to the school fund.

On his motion, the resolution was referred to the committee on Finance.

On motion of Mr. Archer,

*Resolved*, That the committee on the Executive Department be instructed to inquire into the expediency of so amending the constitution as to limit, by some proper restrictions, the pardoning power of the executive of this state, and that they report such amendments for that purpose as they may deem expedient.

*Resolved*, That the committee on the Legislative Department be instructed to inquire into the expediency of so amending the constitution as to prohibit the legislature from borrowing any money upon the credit of the state, until the bill providing therefor shall have been submitted to and received the sanction of the people, except to meet an emergency requiring the immediate use of money before the vote of the people can be taken, and then only to a limited amount; and that said bill shall further provide for the payment of interest and principal, and that said law be irrevocable until the same is paid; and that said committee report such amendments as they may deem necessary to effect such objects.

Mr. Dement offered the following:

*Resolved*, That the amended constitution shall contain an article or sections, limiting the number of members of the general assembly of this state to the number of one hundred, and that there be thirty senators and seventy representatives, both to be elected for two years only.

Mr. Z. Casey moved an amendment to the resolution, by which he proposed to strike out all after "resolved," and add:

"That the committee on the Legislative Department be instructed to inquire into the expediency of amending the present constitution by providing—

"1. That the number of members shall be sixty—forty in the house, and twenty in the senate.

"2. That they meet once in two years.

"3. That their sessions do not exceed sixty days.

"4. That their *per diem* allowance be fixed at two dollars."



Mr. Edmonson moved to add, as a substitute for the amendment, thus:

"That the committee on the Legislative Department be and are hereby instructed to report to this convention the following amendments:

"1. The general assembly of this state shall meet, biennially, on the first Monday in January.

"2. The general assembly of this state shall not remain in session a longer period than sixty days.

"3. The number of senators and representatives in the general assembly of this state shall not exceed one hundred.

"4. The members of the general assembly of this state shall severally receive from the public treasury a compensation for their services, of two dollars per day, during their attendance on, going to, and returning from the sessions of their respective houses."

On motion of Mr. Markley,

The resolution and amendments were referred to the committee on the Legislative Department.

On motion of Mr. Butler,

*Resolved*, That the committee on the Judiciary Department be instructed to inquire into the expediency of abolishing the county commissioners' court, and substituting a precinct or township organization instead thereof.

*Resolved*, That the committee on Elections and the Right of Suffrage be instructed to inquire into the expediency of changing the day of general elections, and fixing the same on the first Monday of November annually.

Mr. Woodson offered the following:

Art. — The legislature shall provide by law for the levy and collection of a capitation tax, on each male person over the age of twenty-one years, residing in this state, of not more than one dollar per annum.

On his motion, the same was referred to the committee on Revenue.

On motion of Mr. Shumway,

*Resolved*, That the committee on the Judiciary Department be instructed to inquire into the expediency of inserting the following in the new constitution:

No judge of the supreme or circuit courts shall be appointed or elected to any office of honor, profit, or trust under the government of this state during the term for which he shall have been elected, except that a judge of the circuit court may be elected to the supreme court: *Provided*, that if any judge shall resign his office, he shall be ineligible to any office for a longer period than twelve months after such resignation. If any judge shall offer or consent to be a candidate for any office under the government of the United States, such offer or consent shall be taken and considered a voluntary resignation of his office.

On motion of Mr. Jones,

*Resolved*, That the committee on the Legislative Department be instructed to inquire into the expediency and propriety of limiting the number of members of the general assembly to ninety, to wit, sixty in the house of representatives and thirty in the senate, until the inhabitants of the state shall amount to one million, to be apportioned among the several counties or districts, to be established by law, according to the number of



white inhabitants; and that said committee also inquire into the expediency and propriety of granting power to the legislature to increase the number of members of the general assembly after the said inhabitants shall amount to one million, in a ratio not exceeding one representative for every sixteen thousand, and one senator for every thirty-two thousand inhabitants, over and above the said million, until the number of members shall amount to one hundred and twenty.

*Resolved*, That the same committee inquire into the propriety of apportioning the representation to the general assembly in conformity with the limitations contained in the foregoing resolution, and of providing that all elections for members of the general assembly, to be held after the adoption of the constitution, be held in conformity with the said apportionment, until otherwise directed by law.

Mr. Campbell of Jo Daviess offered the following:

1. *Resolved*, That the committee on the Judiciary be requested to inquire into the expediency of so amending the constitution that sheriffs shall be elected for the term of three years, and shall not be eligible for more than one term consecutively.

2. *Resolved*, That the committee on the Legislative Department be requested to inquire into the expediency of abolishing the office of lieutenant governor.

3. *Resolved*, That a committee of five be appointed by the president of the convention, to ascertain, if possible, on what terms an official reporter of the debates herein can be employed, and report the same to this convention at their earliest convenience.

On motion of Mr. Wead,

The second resolution was amended by adding to it the words, "and also the attorney general."

Mr. Kitchell moved to amend the third resolution by adding thereto the following:

"And that the committee inquire into the probable expense of printing and publishing one thousand copies of the reports."

The question having been taken on agreeing to the amendment, it was decided in the negative.

Mr. Markley demanded a division on the first two resolutions; and the question having been taken upon the adoption of the first two resolutions, as amended, it was decided in the affirmative.

On motion of Mr. Palmer of Marshall,

The third resolution was indefinitely postponed.

On request of Mr. Caldwell, he was excused from serving on the committee on the Bill of Rights.

On motion,

The convention adjourned until to-morrow morning, nine o'clock.



TUESDAY, JUNE 15, 1847.

Convention assembled pursuant to adjournment.

Prayer by Rev. Mr. Bailey.

The journal of yesterday was read and corrected.

Mr. Farwell presented the petition of forty-seven of the inhabitants of the state of Illinois praying the creation of the office of state superintendent of common schools; which was read, and,

On motion of Mr. Farwell,

Referred to the committee on Education.

Mr. Thornton presented a petition signed by William Morgan and others on various subjects; which was read, and, on his motion, referred to the committee on Miscellaneous Subjects and Questions.

The motion submitted yesterday by Mr. Markley, to reconsider Mr. Dement's modified resolution, adopted yesterday afternoon, was taken up for consideration;

The question was then taken on the reconsideration of the vote on the first resolution, and decided in the affirmative.

On motion of Mr. Eccles,

The same resolution was laid on the table until the first day of January next.

The preamble, propositions, and resolution offered by Mr. Jenkins on the 11th instant, and laid on the table, were, on his motion, taken up.

Mr. Jenkins moved that the propositions be referred to committees specified in the resolution, as follows:

The first, second, third and eighth propositions to the committee on the Judiciary Department;

The fourth, fifth, seventh, and twelfth propositions to the committee on Elections and the Right of Suffrage;

The sixth proposition to the committee on Finance;

The ninth, tenth and fourteenth propositions to the committee on the Legislative Department;

The eleventh proposition to the committee on Incorporations.

The thirteenth proposition to the committee on Revenue.

Mr. Markley moved the previous question;

The question was then put,—“Shall the main question be now put?” and decided in the affirmative.

The question was then put on the motion of Mr. Jenkins, and decided in the affirmative.

Mr. Davis of McLean offered the following:

*Resolved*, That the committee on the Judiciary inquire into the expediency of organizing the judiciary on the following basis:

1. A supreme court of three members, (having appellate jurisdiction only,) to be chosen in separate districts, by the qualified electors thereof, for a term of nine years. Provision to be made for so classifying those elected that one shall be elected every third year. After the expiration of their terms under such classification the term of their office shall be nine years. Said judges to receive an annual salary of \$1,200, to be re-



eligible, but incapable of holding any office of trust or profit for the terms for which they were elected, and two years thereafter.

2. A clerk of said court, to be chosen by the qualified electors of the state at large, for a term of three years.

3. A division of the state into                      number of circuits, and a judge to be elected in each circuit, by the qualified electors thereof, for a term of six years, to receive an annual salary of one thousand dollars, to be ineligible for a second election, or for any office of trust or profit, until two years after his term of office shall have expired. Said courts, in addition to their present jurisdiction, to have exclusive probate jurisdiction.

4. A clerk of said court to be elected in each county by the people for a term of three years, who shall be *ex-officio* recorder of deeds.

5. A circuit attorney, to be elected by the qualified electors of each judicial circuit for a term of six years, and to have an annual salary of \$300.

6. The times for electing judges to be at a different time from the general election of state officers.

Mr. Campbell of Jo Daviess moved to amend the resolutions by adding the following:

*Resolved*, That the state be divided into                      supreme judicial districts, in each of which one term of the supreme court will be held annually.

Mr. Powers moved to amend the amendment by striking out all after the word "resolved" and insert in lieu thereof the following:

"That the judges of the supreme court shall hold one term of court annually in each of the judicial circuits."

On motion of Mr. Kitchell,

The resolution and amendments were referred to the committee on the Judiciary Department.

On motion of Mr. Smith of Macon,

*Resolved*, That the committee on Revenue be requested to inquire into the expediency of so amending the constitution as to prohibit the legislature from pledging the faith of the state for the payment of a larger sum than fifty thousand dollars, without first submitting the amount and its objects to the people, at a general election, and receive their approval.

Also to inquire into the expediency of locating the seat of government in the constitution.

On motion of Mr. Shumway,

*Resolved*, That the committee on the Legislative Department be requested to inquire into the expediency of prohibiting, by constitutional provision, any member of the legislature from receiving any civil appointment within this state, or to the senate of the United States, from the governor, the governor and senate, or from the legislature, during the term for which he shall have been elected.

On motion of Mr. Church,

*Resolved*, That the committee on the Bill of Rights be requested to inquire into the expediency of so amending the 6th article of the present constitution that it shall provide that "there shall be neither slavery nor involuntary servitude in this state, otherwise than for the punishment of crimes whereof the party shall have been duly convicted. Nor shall any person be deprived of liberty on account of color."



Mr. Knapp of Scott offered the following:

*Resolved*, That the amended constitution shall provide that every bill which shall have been passed by both branches of the legislature shall, on receiving the approval and the signature of the governor, become a law of this state; but if the governor shall not approve the same, he shall return it to the house whence it originated, with his objections in writing, and if, on a full consideration of such objections, a majority of all the members elect in the two houses shall pass such bill, it shall become a law of this state, notwithstanding the objections of the governor.

*Resolved*, That the convention requests the several standing committees of this body, when they report, that they submit their conclusions in sectional form, without submitting the reasons by which they have arrived at them.

*Resolved*, That the committee on Elections be requested to consider the propriety of fixing the time of electing judges on a different day from that fixed for the election of other officers, with a view to securing said judicial election as far as possible from partizan influence.

Mr. Scates called for a division on the first resolution; which resolution,

On motion of Mr. Knapp of Scott,

Was referred to the committee on the Legislative Department.

Mr. Wead called for a division on the remaining resolutions.

Mr. Scates moved to amend the second resolution by striking out the words: "without submitting the reasons by which they have arrived at them."

The question having been taken, the amendment was rejected.

The question having been taken on the adoption of the second resolution, it was decided in the affirmative.

Mr. Shumway moved to amend the third resolution by adding thereto the following:

*Resolved*, That the committee on Elections and the Right of Suffrage be requested to inquire into the expediency of giving the legislature constitutional power of excluding, by law, any person or persons who shall make, or become directly or indirectly interested in any bet or wager depending upon the result of any election, from the right of voting at such election."

The question having been taken, the amendment was agreed to.

The question having been taken on the resolution as amended, it was decided in the affirmative.

Mr. Davis of Montgomery offered the following:

*Resolved*, That the committee on Elections inquire into the expediency of so amending the constitution as to have all voting at elections by ballot.

Mr. Hurlbut moved to amend the resolution by adding thereto the following:

*Resolved*, That the same committee be instructed to inquire into and report upon the expediency of so altering the 27th section of article 3d as to require that all electors shall be citizens of the United States."

Mr. Marshall of Mason moved to amend the amendment by striking out all after the word "resolved," and inserting in lieu thereof the following:



"That the standing committee on Elections and the Right of Suffrage be instructed to inquire into the expediency of reporting an amendment to the present constitution providing that in all elections every free white male citizen of the United States, who shall have attained the age of twenty-one years, and shall have resided in the state twelve months, and in the county or district in which he may offer to vote one month next preceding the election, shall enjoy the right of an elector: *Provided*, That all foreigners exercising the right of suffrage in this state, at the time of the adoption of the revised constitution, shall thereafter be deemed qualified electors.

On motion of Mr. Davis of Montgomery,

The resolution and amendments were referred to the committee on Elections and the Elective Franchise.

On motion of Mr. Davis of Massac,

*Resolved*, That the committee on the Bill of Rights be and they are hereby instructed to inquire into the expediency of reporting the following amendment to the present constitution, to wit:

That in all criminal prosecutions the accused hath a right to be heard by himself and counsel; to demand the nature and cause of accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his favor; and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the county or district, wherein the offence shall have been committed, which county or district shall have been previously ascertained by law; and that he shall not be compelled to give evidence against himself.

Mr. Dawson offered the following:

*Resolved*, That the committee on the Organization of the Departments of State be instructed to inquire into the propriety of electing the governor for the term of three years. The members of the general assembly to be elected at the same time the governor is elected, and to commence their session at the same time the governor is installed in office, and to serve only one session of sixty days within the three years for which the governor was elected, and each member receive two dollars per day for their services, and two dollars for every twenty miles going and coming to and from the seat of government, and no more.

Mr. Campbell of Jo Daviess moved to amend the resolution by striking out the word "two" and inserting in lieu of it the word "three."

The question having been taken on agreeing to the proposed amendment, it was decided in the negative.

The question having been taken upon the adoption of the resolution, it was decided in the affirmative.

Mr. Turner offered the following:

*Resolved*, That the committee on the Legislative Department be instructed to inquire into the expediency of providing that no crime committed within this state shall be punished by the infliction of death upon the offender.

Mr. McCallen moved to amend said resolution by striking out all after the word "resolved," and inserting the following in lieu thereof:



"That the committee on the Judiciary be requested to inquire into the expediency of so amending the constitution as to abolish capital punishment forever—and that the pardoning power be taken from the governor in all cases where the punishment by the present constitution is death."

On motion of Mr. Hayes,

The resolution and amendment were referred to the committee on Law Reform.

On motion of Mr. Thornton,

*Resolved*, That the committee on Law Reform be requested to inquire into the expediency of so amending the constitution as that testimony in suits in courts of equity be taken in the same manner as in suits at law.

Mr. Moffett offered the following:

Whereas the people of this state have been imposed upon by the depreciated currency of other states—to partially remedy this evil,

*Resolved*, That from and after the first day of January, 1849, no bank bill shall be passed in this state, of a less amount than twenty dollars, and, in the event of a bank being established in this state, it shall not issue any bill of a less denomination than twenty dollars.

Mr. Pratt moved to amend the same by substituting therefor the following:

*Resolved*, That the committee on Incorporations be instructed to report such provisions as will effectually prohibit the power of the legislature to create, or authorize any individual, company, or corporation with banking powers in this state.

*Resolved*, That said committee inquire into and report to the convention such provisions as are best calculated gradually to exclude from and prohibit the circulation in this state of bank bills under the denomination of twenty dollars.

Mr. Hurlbut moved to amend the amendment by striking out all after "resolved," and adding:

"That the committee on Incorporations be instructed to inquire into the expediency of so amending and altering the 21st section of article 8th of the constitution, as to provide for the institution of a system of general banking laws, similar in principle with the propositions lately adopted in the constitution of the state of New York."

On motion,

*Ordered*, That the article of the constitution of the state of New York, relating to corporations, be read.

Mr. Markley moved that the pending amendment to the amendment be laid on the table until the 1st of January next.

On motion,

The convention adjourned to 9 o'clock, to-morrow morning.





WEDNESDAY, JUNE 16, 1847.

Convention assembled pursuant to adjournment.

Prayer by Rev. Mr. Dresser.

The journal of yesterday was read.

Mr. Evey presented a petition of forty-nine citizens of Shelby county, praying that the number of senators and representatives be decreased to the number of seventy-five—that their per diem pay be fixed at two dollars, and to limit the length of sessions to sixty days, except upon extraordinary occasions, &c.

On motion of Mr. Evey,

The petition was referred to the committee on Miscellaneous Subjects and Questions.

Mr. Z. Casey, from the committee on Revenue, reported the following resolution, and recommended its adoption:

*Resolved*, That the auditor of public accounts be requested to report to to this convention:

1. The amount paid to the members of the last general assembly on account of their compensation per diem.
2. The amount paid to the said members for their mileage.
3. The amount paid to the officers and others employed by the said general assembly.
4. The amount paid for all printing done by order of the said general assembly, except the printing of the laws and journals.
5. The amount paid for printing the laws and journals of the said general assembly.
6. The amount paid for binding the said laws and journals.
7. The amount paid for stationery, fuel, and all other expenses not herein specified, as far as the same can be ascertained.

The question was put upon concurring with the committee in their report, and decided in the affirmative.

So the resolution was adopted.

Mr. Eccles, from the committee on Revenue, which had been instructed by the convention to inquire into the expediency of providing in the new constitution for levying and collecting a poll tax, reported the following resolution, and asked for its adoption:

*Resolved*, That the new constitution shall provide for a poll tax.

Mr. Rountree moved to amend the resolution by adding thereto the following:

*“Provided*, That the power to levy a capitation tax, by the legislature, be proposed as a distinct proposition for adoption or rejection by the people at the same time and places at which the vote shall be taken on the adoption or rejection of the new constitution; and if it shall appear that at said election, more votes are given in favor of said proposition than are given against it, the legislature shall, at its next session thereafter, provide by law for levying such capitation tax, and continuing in force a law for the collection of a capitation tax; *Provided, however*, That the non-



payment of such tax shall not disqualify persons who are otherwise qualified voters from enjoying the rights of electors."

Mr. Smith of Macon moved to amend the amendment by adding thereto the following:

"*Provided*, That the legislature, in exercising this power, be limited to the sum of fifty cents upon the persons of all able-bodied men between the age of twenty-one and forty-five years, and this power not to be exercised after the present public debt of the state shall have been liquidated."

On motion of Mr. Thomas,

The proposed amendments were laid on the table.

Mr. Norton moved to amend the resolution by adding thereto the following proviso:

"*Provided*, That no capitation tax shall be assessed against any person not entitled to vote under the constitution and laws of this state; *And provided, further*, That said tax shall be set apart to the payment of the public debt until the same be paid."

On motion,

The convention adjourned to three o'clock, P. M.

THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

The president appointed Mr. Allen to be a member of the committee on the Bill of Rights, in the place of Mr. Caldwell, excused.

On motion of Mr. Geddes,

Leave of absence was granted to Mr. Sharpe for eight days.

The question pending at the adjournment this morning was on agreeing to the amendment offered by Mr. Norton to a resolution reported by the committee on Revenue; after some time spent in the consideration thereof,

On motion,

The convention adjourned until to-morrow morning at 9 o'clock.

THURSDAY, JUNE 17, 1847.

Convention met pursuant to adjournment.

Prayer by Rev. Mr. Hale.

Mr. Archer presented the certificate of election of one his colleagues, Montgomery Blair, member from the county of Pike;

Mr. Blair then appeared; the oath of office was administered to him by James W. Keys, esq., and he took his seat.

The journal of yesterday was read and corrected.

The question pending (under the resolution of the convention, providing that when a report of a committee is made, it shall be disposed of, before any thing else is considered,) was upon the amendment offered by



Mr. Norton to the resolution reported yesterday by the committee on Revenue.

On motion of Mr. Davis of Montgomery,

The amendment was laid on the table.

Mr. Linley moved to amend the resolution reported by the committee on Revenue, by striking out all after the word "resolved," and inserting in lieu thereof the following:

"That the committee on Revenue be, and they are hereby instructed to report an amendment to the constitution so as to authorize the legislature to levy a capitation tax not to exceed one dollar on all free white male inhabitants over the age of twenty-one years, when they shall deem it necessary."

Mr. Powers moved to amend the proposed amendment by adding thereto the following:

"That no road tax shall hereafter be, levied in this state in the form of a capitation tax."

On motion of Mr. Davis of Montgomery,

The proposed amendment was laid on the table.

Mr. Davis of Montgomery moved the previous question.

The question was then taken—"Shall the main question be now put?" and decided in the affirmative.

The question was then taken agreeing to the amendment proposed to the resolution reported by the committee on Revenue, and decided in the affirmative.

The question was then taken, by yeas and nays, on concurring with the committee on Revenue, in the resolution reported, as amended,

And decided in the affirmative,      {Yeas,      . . . . . 109  
   {Nays,      . . . . . 49

Those voting in the affirmative, are,

Mr. Adams	Mr. Edmonson	Mr. Knox
Anderson	Evey	Lander
Archer	Graham	Laughlin
Atherton	Geddes	Linley
Blair	Green of Clay	Lockwood
Blakely	Green of Jo Daviess	Logan
Brockman	Green of Tazwell	McCallen
Bond	Grimshaw	McClure
Brown	Harding	Manly
Crain	Hawley	Marshall of Coles
Canady	Hay	Marshall of Mason
Caldwell	Hayes	Mason
Campbell of Jo Daviess	Heacock	Matheny
F. S. Casey	Henderson	Mieure
Choate	Hogue	Miller
Cloud	Holmes	Minshall
Dale	Hunsaker	Moffett
Davis of Montgomery	Hurlbut	Moore
Davis of McLean	Jackson	Nichols
Davis of Massac	James	Northcott
Dawson	Judd	Oliver
Deitz	Knapp of Jersey	Palmer of Macoupin
Dummer	Knapp of Scott	Palmer of Marshall
Dunlap	Kenner	Peters
Dunsmore	Kinney of Bureau	Pinckney
Edwards of Sangamon	Kitchell	Rives
Eccles	Knowlton	Robinson



Mr. Roman  
Rountree  
Swann  
Shields  
Spencer  
Sherman  
Servant  
Sibley  
Sim  
Simpson

Mr. Singleton  
Smith of Gallatin  
Smith of Macon  
Shumway  
Thomas  
Thompson  
Trower  
Turner  
Tutt

Mr. Tuttle  
Vance  
Vernor  
Webber  
West  
Williams  
Witt  
Whiteside  
Woodson.

Those voting in the negative, are,

Mr. Akin  
Allen  
Armstrong  
Ballingall  
Bunsen  
Butler  
Campbell of McDonough  
Carter  
Zadok Casey  
Constable  
Cross of Winnebago  
Cross of Woodford  
Church  
Churchill  
Dement  
Dunn

Mr. Edwards of Madison  
Farwell  
Frick  
Harlan  
Harper  
Harvey  
Hatch  
Hill  
Hoes  
Huston  
Jenkins  
Jones  
Kreider  
Kinney of St. Clair  
Lasater  
Lemon

Mr. Loudon  
McCully  
McHatton  
Markley  
Morris  
Norton  
Pace  
Pratt  
Powers  
Robbins  
Scates  
Stadden  
Thornton  
Turnbull  
Wead  
Whitney  
Worcester.

The preamble and resolutions introduced on Tuesday last, together with the amendments proposed by Messrs. Pratt and Hurlbut, came up for consideration.

The question, pending on the adjournment on Tuesday evening, was upon laying on the table until the first of January next the amendment proposed by Mr. Hurlbut to the amendment proposed by Mr. Pratt to the resolution.

Mr. Churchill moved to lay the whole subject on the table.

Mr. Markley called for a division, so that the vote might first be taken on laying the amendment to the amendment on the table.

The question was then taken, by yeas and nays, on laying the amendment proposed by Mr. Hurlbut to Mr. Pratt's amendment on the table,

And decided in the affirmative, { Yeas, . . . . 99  
Nays, . . . . 60

Those voting in the affirmative, are,

Mr. Akin  
Allen  
Anderson  
Archer  
Armstrong  
Atherton  
Blair  
Blakely  
Ballingall  
Brockman  
Bond  
Bosbyshell  
Brown  
Bunsen

Mr. Butler  
Crain  
Caldwell  
Campbell of Jo Daviess  
Carter  
F. S. Casey  
Z. Casey  
Choate  
Constable  
Cross of Woodford  
Cloud  
Dale  
Davis of Montgomery  
Davis of Massac

Mr. Dawson  
Dement  
Dunn  
Dunsmore  
Eccles  
Evey  
Farwell  
Frick  
Green of Clay  
Green of Jo Daviess  
Hatch  
Hawley  
Hayes  
Heacock



Mr. Henderson	Mr. McClure	Mr. Rountree
Hill	McHatton	Scates
Hoes	Manly	Stadden
Hogue	Markley	Shields
Hunsaker	Mason	Sherman
James	Moffett	Sim
Jenkins	Moore	Simpson
Jones	Morris	Smith of Gallatin
Knapp of Scott	Nichols	Shumway
Kreider	Oliver	Thompson
Kinney of Bureau	Pace	Trower
Kinney of St. Clair	Palmer of Macoupin	Tutt
Lasater	Palmer of Marshall	Vernor
Laughlin	Pratt	Wead
Linley	Peters	Webber
Logan	Powers	West
Loudon	Robbins	Williams
McCallen	Robinson	Witt
McCully	Roman	Whiteside.

Those voting in the negative, are,

Mr. Adams	Mr. Harvey	Mr. Minshall
Canady	Hay	Northcott
Campbell of McDonough	Holmes	Norton
Cross of Winnebago	Hurlbut	Pinckney
Church	Huston	Rives
Churchill	Jackson	Swan
Davis of McLean	Judd	Spencer
Deitz	Knapp of Jersey	Servant
Dummer	Kenner	Sibley
Dunlap	Kitchell	Singleton
Edwards of Madison	Knowlton	Smith of Macon
Edwards of Sangamon	Knox	Thomas
Edmonson	Lander	Thornton
Graham	Lemon	Turnbull
Geddes	Lockwood	Turner
Green of Tazewell	Marshall of Coles	Tuttle
Grimshaw	Marshall of Mason	Vance
Harding	Matheny	Whitney
Harlan	Mieure	Woodson
Harper	Miller	Worcester.

The question then came up on laying the amendment proposed by Mr. Pratt on the table.

Mr. Rountree asked for a division, so that the vote might be taken in regard to the first proposition embraced in the proposed amendment.

The question was then taken, by yeas and nays, on laying the first proposition so embraced on the table,

And decided in the affirmative,	{ Yeas,	:	:	:	:	102
	{ Nays,	:	:	:	:	58

Those voting in the affirmative, are,

Mr. Adams	Mr. Cloud	Mr. Dunsmore
Anderson	Church	Edwards of Madison
Atherton	Churchill	Edwards of Sangamon
Blakely	Davis of McLean	Eccles
Butler	Dawson	Edmonson
Canady	Deitz	Evey
Campbell of McDonough	Dummer	Frick
Choate	Dunlap	Graham
Cross of Winnebago	Dunn	Geddes



Mr. Green of Clay  
 Green of Jo Daviess  
 Green of Tazewell  
 Grimshaw  
 Harding  
 Harlan  
 Harper  
 Harvey  
 Hatch  
 Hawley  
 Hay  
 Heacock  
 Henderson  
 Hill  
 Holmes  
 Hurlbut  
 Huston  
 Jackson  
 Judd  
 Knapp of Jersey  
 Knapp of Scott  
 Kenner  
 Kinney of Bureau  
 Kitchell  
 Knowlton

Mr. Knox  
 Lander  
 Lemon  
 Lockwood  
 Logan  
 Loudon  
 McCallen  
 McClure  
 McHatton  
 Manly  
 Marshall of Coles  
 Marshall of Mason  
 Mason  
 Matheny  
 Mieure  
 Miller  
 Minshall  
 Moffett  
 Moore  
 Morris  
 Northcott  
 Norton  
 Palmer of Marshall  
 Peters  
 Pinckney

Mr. Rives  
 Robbins  
 Robinson  
 Swan  
 Spencer  
 Sherman  
 Servant  
 Sibley  
 Singleton  
 Smith of Macon  
 Shumway  
 Thomas  
 Thornton  
 Trower  
 Turnbull  
 Turner  
 Tutt  
 Tuttle  
 Vance  
 Webber  
 West  
 Williams  
 Whitney  
 Woodson  
 Worcester.

Those voting in the negative, are,

Mr. Akin  
 Allen  
 Archer  
 Armstrong  
 Blair  
 Ballingall  
 Brockman  
 Bond  
 Bosbyshell  
 Brown  
 Bunsen  
 Crain  
 Caldwell  
 Campbell of Jo Daviess  
 Carter  
 F. S. Casey  
 Z. Casey  
 Colby  
 Constable  
 Cross of Woodford

Mr. Dale  
 Davis of Montgomery  
 Davis of Massac  
 Dement  
 Farwell  
 Hayes  
 Hoes  
 Hogue  
 Hunsaker  
 James  
 Jenkins  
 Jones  
 Kreider  
 Kinney of St. Clair  
 Lasater  
 Laughlin  
 Linley  
 McCully  
 Markley

Mr. Nichols  
 Oliver  
 Pace  
 Palmer of Macoupin  
 Pratt  
 Powers  
 Roman  
 Rountree  
 Scates  
 Stadden  
 Shields  
 Sim  
 Simpson  
 Smith of Gallatin  
 Thompson  
 Vernor  
 Wead  
 Witt  
 Whiteside.

The question was then taken, by yeas and nays, on laying on the table the second resolution embraced in the proposed amendment,

And decided in the affirmative, { Yeas, : : : : 101  
 Nays, : : : : 58

Those voting in the affirmative, are,

Mr. Adams  
 Anderson  
 Atherton  
 Blair  
 Blakely  
 Butler  
 Canady  
 Colby  
 Cross of Winnebago

Mr. Church  
 Churchill  
 Davis of Montgomery  
 Davis of McLean  
 Dawson  
 Deitz  
 Dummer  
 Dunlap  
 Dunsmore

Mr. Edwards of Madison  
 Edwards of Sangamon  
 Eccles  
 Evey  
 Frick  
 Graham  
 Geddes  
 Green of Clay  
 Green of Jo Daviess



Mr. Green of Tazewell	Mr. Knox	Mr. Robinson
Grimshaw	Lander	Rountree
Harding	Laughlin	Swan
Harlan	Lemon	Spencer
Harper	Lockwood	Sherman
Harvey	Logan	Servant
Hatch	Loudon	Sibley
Hawley	McCallen	Sim
Hay	McClure	Simpson
Heacock	Manly	Singleton
Hill	Marshall of Coles	Smith of Macon
Hogue	Marshall of Mason	Thomas
Holmes	Mason	Thornton
Hunsaker	Matheny	Trower
Hurlbut	Mieure	Turnbull
Jackson	Morris	Turner
James	Nichols	Tuttle
Jones	Northcott	Vance
Judd	Norton	Webber
Knapp of Jersey	Palmer of Marshall	West
Knapp of Scott	Peters	Williams
Kenner	Pinckney	Whitney
Kinney of Bureau	Powers	Woodson
Kitchell	Rives	Worcester.
Knowlton	Robbins	

Those voting in the negative, are,

Mr. Akin	Cloud	Miller
Allen	Dale	Minshall
Archer	Davis of Massac	Moffett
Armstrong	Dement	Moore
Ballingall	Dunn	Oliver
Brockman	Edmonson	Pace
Bond	Farwell	Palmer of Macoupin
Bosbyshell	Gregg	Pratt
Brown	Hayes	Roman
Bunsen	Henderson	Scates
Crain	Hoes	Stadden
Caldwell	Huston	Shields
Campbell of Jo Daviess	Jenkins	Smith of Gallatin
Campbell of McDonough	Kreider	Shumway
Carter	Kinney of St. Clair	Thompson
F. S. Casey	Lasater	Tutt
Z. Casey	Linley	Vernor
Choate	McCully	Wead
Constable	McHatton	Witt
Cross of Woodford	Markley	Whiteside.

Mr. Moffett then withdrew the resolution offered by him.

Mr. Robbins presented the petition of James Bilderback and eleven others, citizens of this State, praying that a homestead of 160 acres, or a town lot of one acre, with the improvements, be exempted from mortgage or forced sale, &c.; which was read.

Mr. Robbins moved that the petition be referred to a select committee of five.

On motion of Mr. Scates,

The petition was referred to the committee on Law Reform.

Mr. Jones presented the petition of William M. Elliot and fifty-seven others, citizens of the county of Perry, in this State, praying for the extension of the principles of the declaration of independence, and to grant protection and security irrespective of color, &c.; which was read.



Mr. Singleton moved to lay the petition on the table until the first day of December, 1848.

Mr. Jones moved that the petition be referred the committee on Elections and the Right of Suffrage.

Mr. Kinney of St. Clair moved to lay the petition on the table.

The question was then taken, by yeas and nays, on laying the petition on the table,

And decided in the negative,	{ Yeas,	:	:	:	:	48
	{ Nays,	:	:	:	:	110

Those voting in the affirmative, are,

## Mr. Akin

Allen  
Archer  
Atherton  
Blair  
Blakely  
Ballingall  
Brockman  
Bunsen  
Crain  
Caldwell  
Campbell of McDonough  
Carter  
F. S. Casey  
Z. Casey  
Cross of Woodford

## Mr. Cloud

Davis of Montgomery  
Davis of Massac  
Dawson  
Edmonson  
Evey  
Green of Clay  
Hay  
James  
Jenkins  
Kreider  
Kinney of St. Clair  
Lasater  
Linley  
McCully  
McHatton

## Mr. Markley

Mieure  
Minshall  
Morris  
Olver  
Pace  
Peters  
Rives  
Robinson  
Roman  
Shields  
Singleton  
Smith of Gallatin  
Smith of Macon  
Thornton  
Vernor



Those voting in the negative, are,

## Mr. Adams

Anderson  
Armstrong  
Bond  
Bosbyshell  
Brown  
Butler  
Canady  
Choate  
Colby  
Constable  
Cross of Winnebago  
Church  
Churchill  
Dale  
Davis of McLean  
Deitz  
Dement  
Dummer  
Dunlap  
Dunn  
Dunsmore  
Edwards of Madison  
Edwards of Sangamon  
Eccles  
Frick  
Graham  
Geddes  
Green of Jo Daviess  
Green of Tazewell  
Gregg

## Mr. Grimshaw

Harding  
Harlan  
Harper  
Harvey  
Hatch  
Hawley  
Hayes  
Heacock  
Henderson  
Hill  
Hoes  
Hogue  
Holmes  
Hunsaker  
Hurlbut  
Huston  
Jackson  
Jones  
Judd  
Knapp of Jersey  
Knapp of Scott  
Kenner  
Kinney of Bureau  
Kitchell  
Knowlton  
Knox  
Lander  
Laughlin  
Lemon  
Lockwood

## Mr. Logan

Loudon  
McCallen  
McClure  
Manly  
Marshall of Coles  
Marshall of Mason  
Mason  
Matheny  
Miller  
Moffett  
Moore  
Nichols  
Northcott  
Norton  
Palmer of Macoupin  
Palmer of Marshall  
Pratt  
Pinckney  
Powers  
Robbins  
Rountree  
Scates  
Stadden  
Swan  
Spencer  
Sherman  
Servant  
Sibley  
Sim  
Simpson



Mr. Shumway  
Thomas  
Thompson  
Trower  
Turnbull  
Turner

Mr. Tutt  
Tuttle  
Vance  
Wead  
Webber  
West

Mr. Williams  
Whiteside  
Whitney  
Woodson  
Worcester

The question was then taken on referring the petition to the committee on Elections and the Right of Suffrage, and decided in the affirmative.

Mr. Scates, from the committee on the Judiciary Department, reported the following:

! *Resolved*, That the clerk of the supreme court report to this convention the number of causes decided and determined by the said court at each sitting since the year 1840, and the number now pending and undisposed of.

The question having been taken on concurring with the committee in the adoption of the resolution, it was decided in the affirmative.

Mr. Sherman, from the committee on Finance, to which were referred the resolution and amendment proposing that all taxes arising from pleasure carriages, gold and silver plate, money at interest, bank stock, together with fines and forfeitures to the state, be added to the school fund, reported the same back and recommended its rejection.

On motion of Mr. Markley,

The report and resolution were laid on the table.

Mr. Scates, from the committee on the Judiciary Department, which was instructed by resolution "to inquire into the expediency of so amending the constitution, that sheriffs shall be elected for the term of three years, and shall not be eligible for more than one term consecutively," reported the same back and requested to be discharged from the consideration of the subject.

The question having been taken on discharging said committee, it was decided in the affirmative.

Mr. Scates, from the same committee, which was instructed by resolution "to inquire into the expediency of abolishing the county commissioners' court, and substituting a township or precinct organization instead thereof," reported the same back and asked to be discharged from its further consideration; and also recommended the repeal of the 4th section of the schedule.

The question was taken on discharging the committee, and decided in the affirmative.

On motion of Mr. Thomas,

The report recommending the repeal of the 4th section of the schedule was laid on the table.

Mr. Scates, from the same committee, to which was referred a resolution in relation to tribunals of conciliation, with powers and duties to be prescribed by law, &c., reported the same back and asked to be discharged from its further consideration.

The question having been taken upon discharging the committee, it was decided in the affirmative.

On motion of Mr. Markley,

The resolution was laid on the table.



Mr. Scates, from the same committee, which was instructed by resolution to inquire into the expediency of providing that no *ex post facto* law, nor any law impairing the validity of contracts, &c. shall ever be passed, reported the same back and asked to be discharged from its further consideration.

The question was taken on discharging the committee, and decided in the affirmative.

On motion of Mr. Caldwell,

The resolution was referred to the committee on the Bill of Rights.

On motion of Mr. Rountree,

The resolution offered by him some days since, contemplating the creation of a court of record, composed of justices of the peace, the abolition of the county commissioners' court, &c., was taken from the table, and referred to the committee on the Judiciary Department.

On motion of Mr. Brockman,

The resolution offered by him, proposing that hereafter no new county be created by the legislature of this state, having an area of less than four hundred square miles, was also taken from the table, and referred to the committee on the Division of the State into counties and their Organization.

On motion of Mr. Worcester,

The preamble and resolution offered by him proposing the creation, by the constitution of Illinois, of the office of state superintendent of common schools, and of county superintendents, was taken up, and referred to the committee on Education.

On motion of Mr. Brockman,

The resolutions offered by him in relation to the organization of the government, and of the several departments thereof, were taken from the table, and leave granted him to withdraw them.

On motion of Mr. Scates,

The resolutions offered by him containing divers propositions for modifying the present organization of executive, judicial, and legislative departments of government, and instructing the several committees on those departments to inquire into the expediency of such propositions, were taken from the table.

The question was put upon the adoption of the resolutions, and decided in the affirmative.

On motion of Mr. Lockwood,

*Resolved*, That the committee on the Legislative Department be instructed to inquire into the propriety of incorporating into the revised constitution the following provisions, to wit:

1. No divorce shall be granted by the legislature.
2. No lottery shall be authorized by the laws of this state, and no ticket in any lottery shall be bought or sold within this state. It shall be the duty of the legislature to provide by law for the punishment of all persons who shall violate this provision of the constitution.
3. No private or special law shall be passed authorizing the sale of any lands belonging in whole or in part to a minor or minors, or other persons who may at the time be under any legal disability to act themselves.



On motion of Mr. Edmonson,

The resolution offered by him instructing the committee on the Judiciary to inquire into the expediency of abolishing the office of county recorder, &c.; and a resolution offered by him instructing the committee on the Judiciary to inquire into the expediency of abolishing the office of probate justice, &c., were taken from the table.

Mr. Minshall moved to refer the resolutions to the committee on Law Reform.

Mr. Hurlbut called for a division of the question.

The question was then taken on referring the first resolution to the committee on Law Reform, and decided in the affirmative.

The question was taken on referring the second resolution to the same committee, and decided in the affirmative.

Mr. Churchill offered the following:

*Resolved*, That the committee on Incorporations be instructed, by this convention, to report two propositions to be submitted to the people for their direct vote; one which shall eventually and effectually prohibit the circulation of all paper money as a currency, the other giving to the general assembly power to pass a restricted general banking law; the restrictions to be embraced in the report.

Mr. McCallen moved to amend the resolution by striking out all after the word "resolved," and inserting in lieu thereof the following:

"That the committee on Incorporations be requested to inquire into the expediency of incorporating an article into the new constitution to prohibit the legislature from incorporating any bank or monied institution for the purpose of emitting bills of exchange or discounts, except as hereinafter provided.

"1. It shall be the duty of the clerks of all the precinct elections of this state to open a poll at every general election to be held in the state to take a vote for or against a bank.

"2. Should a majority of all the votes be cast in favor of a bank, then the legislature may proceed at their next general session to incorporate a state bank and branches; *Provided, however*, that no bank, so chartered, shall ever proceed to issue or discount any bill, until all the stock provided for in said charter shall be paid in coin.

"3. No bank chartered by the legislature shall ever issue bills to exceed three times the amount of capital paid in, under a penalty of a forfeiture of their charter.

"4. No bank, so chartered, shall ever proceed to issue bills until each individual stockholder shall amply provide for the redemption of such issues by giving a mortgage on real estate for double the amount of his stock so subscribed.

"5. Nothing in this constitution shall be so construed as to prevent the congress of the United States from establishing a branch or branches of a national bank within the limits of this state."

On motion,

The convention adjourned until to-morrow morning, 9 o'clock.



FRIDAY, JUNE 18, 1847.

The convention met pursuant to adjournment.

Prayer by the Rev. Mr. Green of Tazewell, a member.

The journal of yesterday was read and corrected.

The president laid before the convention a communication from the clerk of the supreme court, in reply to a resolution of this convention, calling for information in relation to the number of causes at certain times determined in said court, &c.; which was read, and referred to the committee on the Judiciary Department.

Mr. Norton moved that the committee on the Judiciary Department procure the printing of the communication from the clerk of the supreme court, just read and referred to that committee, for the use of the convention.

On motion of Mr. Brown,

The motion was laid on the table.

Mr. Hayes, from the committee on Law Reform, to which was referred a resolution offered by Mr. Turner, proposing "that the committee on the Legislative Department be instructed to inquire into the expediency of providing that no crime committed within this state, shall be punished by the infliction of death upon the offender;" and also an amendment proposed thereto by Mr. McCallen, proposing "that the committee on the Judiciary be requested to inquire into the expediency of so amending the constitution as to abolish capital punishment forever; and that the pardoning power be taken from the governor in all cases where the punishment by the present constitution is death," reported the same back and asked to be discharged from the further consideration of the same."

The question was then taken on discharging the committee, and decided in the affirmative.

On motion of Mr. Hayes,

The resolution and amendment were laid on the table.

Mr. Lockwood, from the committee on the Executive Department, which had been instructed by resolution, offered by Mr. Scates, to inquire into the expediency of incorporating into the constitution of this state sundry modifications of the present organization of the department, made report asking to be discharged from the further consideration of propositions contained in said resolution, numbered 7, 8, 9, 10, and 11, and that the same be referred to the committee on the Judiciary Department, and also recommending the incorporation into the constitution of the following

#### ARTICLE —:

SECTION 1. The executive power of the state shall be vested in a governor.

SEC. 2. The governor shall be chosen by the electors of the members of the general assembly, at the same places and the same manner that they shall respectively vote for members thereof. The returns for every election of governor shall be sealed up and transmitted to the seat of government by the returning officers, directed to the speaker of the house of



representatives, who shall open and publish them in the presence of a majority of the members of each house of the general assembly. The person having the highest number of votes shall be governor; but if two or more be equal and highest in votes, then one of them shall be chosen governor by joint ballot of both houses of the general assembly. Contested elections shall be determined by both houses of the general assembly in such manner as shall be prescribed by law.

SEC. 3. The governor shall hold his office for the term of four years, and until another shall be elected and qualified; but he shall not be eligible for more than four years in any term of eight years.

SEC. 4. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of governor; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been ten years a resident within this state.

SEC. 5. The governor shall, at stated times, receive for his services the sum of twelve hundred and fifty dollars per annum, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States or any of them.

SEC. 6. Before he enters upon the execution of the duties of his office, he shall take the following oath or affirmation, to wit: "I do solemnly swear, (or affirm,) that I will faithfully execute the duties appertaining to the office of governor of the state of Illinois, and will, to the best of my ability, preserve, protect, and defend the constitution of this state, and will also support the constitution of the United States."

SEC. 7. He shall, from time to time, give the general assembly information of the state of the government and recommend to their consideration such measures as he shall deem expedient.

SEC. 8. The governor shall have power to grant reprieves, commutations, and pardons after conviction, for all offences, except treason and cases of impeachment, upon such conditions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason he shall have power to suspend the execution of the sentence until the case shall be reported to the general assembly at its next meeting, when the general assembly shall either pardon the convict or commute the sentence, direct the execution of the sentence or grant a further reprieve. He shall biennially communicate to the general assembly each case of reprieve, commutation, or pardon granted; stating the name of the convict, the crime for which he was convicted, the sentence and its date, and the date of commutation, pardon or reprieve.

SEC. 9. He may require information in writing from the officers in the executive department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

SEC. 10. He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state to them, when assembled, the purpose for which they shall have been convened, and the general assembly shall be limited in their action to such matters only as the governor shall lay before them.



SEC. 11. He shall be commander-in chief of the army and navy of this state, and of the militia, except when they shall be called into the service of the United States.

SEC. 12. In case of the disagreement between the two houses with respect to the time of adjournment, the governor shall have power to adjourn the general assembly to such time as he thinks proper, provided it be not to a period beyond the next constitutional meeting of the same.

SEC. 13. A lieutenant governor shall be chosen at every election of governor, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for governor and lieutenant governor, the electors shall distinguish whom they vote for as governor and whom as lieutenant governor.

SEC. 14. The lieutenant governor shall, by virtue of his office, be speaker of the senate, have a right when in committee of the whole to debate and vote on all subjects; and whenever the senate are equally divided to give the casting vote.

SEC. 15. Whenever the government shall be administered by the lieutenant governor, or he shall be unable to attend as speaker of the senate, the senators shall elect one of their own members, as speaker for that occasion; and if, during the vacancy of the office of governor, the lieutenant governor shall be impeached, removed from office, refuse to qualify, or resign or die, or be absent from the state, the speaker of the senate shall in like manner administer the government.

SEC. 16. The lieutenant governor, while he acts as speaker of the senate, shall receive for his services the same compensation which shall, for the same period, be allowed to the speaker of the house of representatives, and no more.

SEC. 17. If the lieutenant governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be absent from the state during the recess of the general assembly, it shall be the duty of the secretary of state, for the time being, to convene the senate, for the purpose of choosing a speaker.

SEC. 18. In case of impeachment of the governor, his absence from the state, or inability to discharge the duties of his office, the powers, duties and emoluments of the office shall devolve upon the lieutenant governor; and in case of his death, resignation or removal, then upon the speaker of the senate for the time being, until the governor, absent or impeached, shall return or be acquitted, or until the disqualification or inability shall cease, or until a new governor shall be elected and qualified.

SEC. 19. In case of a vacancy in the office of governor, from any other cause than those herein enumerated, or in case of the death of the governor elect, before he is qualified into office, the powers, duties, and emoluments of the office shall devolve upon the lieutenant governor or speaker of the senate, as above provided for, until a new governor be elected and qualified.

SEC. 20. Every bill which shall have passed the senate and house of representatives shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it; but if not, he shall return it with his objections to that house in which it shall have originated, who shall enter



the objections at large on their journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law, notwithstanding the objections of the governor. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislature shall, by their adjournment, prevent its return, in which case, the said bill shall be returned on the first day of the meeting of the general assembly after the expiration of said ten days, or be a law.

SEC. 21. The governor shall nominate, and by and with the advice of the senate, appoint a secretary of state, who shall keep a fair register of the official acts of the governor, and when required shall lay the same and all minutes and vouchers relative thereto, before either branch of the general assembly, and shall perform such other duties as shall be assigned him by law.

SEC. 22. All grants and commissions shall be sealed with the great seal, signed by the governor, or person administering the government, and countersigned by the secretary of state.

SEC. 23. The governor and all other civil officers under this state shall be liable to impeachment for misdemeanor in office during their continuance in office and for two years thereafter.

Which article,

On motion of Mr. Caldwell,

Was laid on the table, and 200 copies thereof ordered to be printed for the use of the convention.

The question was then put upon discharging said committee from the further consideration of the propositions named, and decided in the affirmative; and said propositions,

On motion of Mr. Davis of McLean,

Were referred to the committee on the Organization of Departments and the offices connected with the Executive Departments, except the 10th proposition; which,

On motion of Mr. Caldwell,

Was referred to the committee on the Judiciary Department.

Mr. Jenkins, from the committee on the Division of the State into Counties, &c., to which was yesterday referred the resolution offered by Mr. Brockman, proposing that counties hereafter formed by the legislature contain an area of not less than 400 square miles. made report, asking that the committee be discharged from the further consideration of the resolution.

Mr. Davis of McLean moved that the resolution be recommitted, with instructions to that committee as follows:

“To report a provision to be inserted in the constitution, providing that no new county shall be established by the general assembly which shall reduce the county or counties, or either of them, from which it shall be



taken to less contents than four hundred square miles; nor shall any county be laid off of less contents, or any line of which shall pass within less than ten miles of any county seat already established."

Mr. Logan moved to amend the instructions by adding thereto the following:

"And that no county shall be divided or have any part thereof stricken off without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county shall vote for the same."

Mr. Geddes offered the following as an amendment to be added to the amendment:

"Resolved, That the committee on the Division of the State into Counties be and are hereby instructed to inquire into the expediency of so amending the constitution, as that the legislature shall not have power to remove the county seat of any county from any position nearly central to a position more remote from the centre."

On motion,

The convention adjourned to 3 o'clock, P. M.

### THREE O'CLOCK, P. M.

The convention assembled pursuant to adjournment.

The question pending at the adjournment this morning was on the amendment proposed by Mr. Geddes to the amendment proposed by Mr. Logan to certain instructions; when,

Mr. Geddes withdrew his proposed amendment.

Mr. Caldwell offered the following, to be added to the amendment offered by Mr. Logan:

"Provided, That the foregoing restrictions shall not affect the creation of any new county under any existing law of this state."

On motion of Mr. Davis of Montgomery,

The proposed provision was laid on the table.

Mr. Kenner offered the following, as an amendment to be added to the amendment:

"Any portion of a county may be stricken off and added to a county which does not contain an area of four hundred square miles, upon a vote of three-fourths of the legal voters in favor of the same, within the bounds of the district proposed to be stricken off; and provided it does not conflict with the foregoing restrictions of coming within ten miles of a county seat and does not reduce the county from which it is taken to less than 400 square miles."

Mr. Markley moved to lay the whole subject on the table;

The question having been taken, by yeas and nays, on the motion,

It was decided in the negative,	{Yeas,	:	:	:	:	38
	{Nays,	:	:	:	:	113



Those voting in the affirmative, are,

Mr. Akin	Mr. Cloud	Mr. Lasater
Allen	Dale	Loudon
Archer	Dement	McCallen
Blair	Dunsmore	Markley
Bosbyshell	Edwards of Madison	Norton
Brown	Graham	Pace
Butler	Harding	Pratt
Crain	Hayes	Powers
Canady	Heacock	Roman
Caldwell	Jenkins	Smith of Gallatin
Campbell of McDonough	Judd	Tutt
Carter	Knapp of Jersey	Tuttle
Z. Casey	Kreider	

Those voting in the negative, are,

Mr. Adams	Mr. Hawley	Mr. Northcott
Anderson	Hay	Oliver
Armstrong	Henderson	Palmer of Macoupin
Atherton	Hill	Palmer of Marshall
Blakely	Hoes	Pinckney
Ballingall	Hogue	Rives
Brockman	Holmes	Robbins
Bond	Hunsaker	Robinson
Bunsen	Hurlbut	Rountree
Campbell of Jo Daviess	Huston	Scales
F. S. Casey	Jackson	Stadden
Choate	James	Swan
Colby	Jones	Shields
Cross of Winnebago	Knapp of Scott	Spencer
Church	Kenner	Sherman
Churchill	Kinney of Bureau	Servant
Davis of Montgomery	Kinney of St. Clair	Sibley
Davis of McLean	Kitchell	Sim
Davis of Massac	Knox	Simpson
Dawson	Lander	Singleton
Deitz	Laughlin	Shumway
Dummer	Lemon	Thomas
Dunlap	Linley	Thompson
Dunn	Lockwood	Thornton
Edwards of Sangamon	Logan	Trower
Eccles	McCully	Turnbull
Edmonson	McClure	Turner
Evey	McHatton	Vance
Frick	Manly	Vernor
Geddes	Marshall of Coles	Wead
Green of Clay	Marshall of Mason	Webber
Green of Jo Daviess	Mason	West
Green of Tazewell	Mieure	Williams
Gregg	Minshall	Whiteside
Harlan	Moffett	Whitney
Harper	Moore	Woodson
Harvey	Morris	Worcester.
Hatch	Nichols	

On motion of Mr. Hogue,

The amendment to the amendment was laid on the table.

On motion of Mr. Davis of Montgomery,

The previous question was ordered.

The question was accordingly taken on agreeing to the amendment proposed by Mr. Logan, and decided in the affirmative.



The question was then stated to be on the motion of Mr. Davis of McLean, to re-commit the resolution with the instructions as amended;

Mr. Vance called for a division of the question, so that the vote might be taken on the first clause of the instructions as amended;

The question was then taken on re-committing the resolution with the first branch of the proposed instructions, down to the words "square miles," and decided in the affirmative.

Mr. Canady called for a further division to enable the convention to vote separately on the several other clauses of the proposed instructions.

The question was then taken on re-committing with the second branch of the instructions to the word "contents," and decided in the affirmative.

The question was then taken on the third branch of the instructions to the word "established," and decided in the affirmative.

The question was then taken on the remaining branch of the instructions, and decided in the affirmative.

Mr. Dement, from the committee on the Legislative Department, reported the following resolution, and recommended its adoption:

*Resolved*, That the committee on the Legislative Department be instructed to report a provision of the constitution, fixing the number of senators in the general assembly at twenty-five, and the number of representatives at seventy-five, and that they proceed to divide the state into senatorial and representative districts with reference to those numbers, upon the basis of the census of 1845.

Mr. Worcester moved to amend the resolution by striking out the words "twenty-five," and inserting in lieu thereof the word "twenty," and by striking out the words "seventy-five," and inserting in lieu thereof the word "sixty."

Mr. Thomas called for a division of the pending question, that the vote might be taken first on striking out.

On motion,

The convention adjourned to to-morrow morning at nine o'clock.

## SATURDAY, JUNE 19, 1847.

The convention assembled pursuant to adjournment.

Prayer by Rev. Mr. Bailey.

The journal of yesterday was read.

The question, pending at the adjournment yesterday, was on striking out the words "twenty-five" and "seventy five," in the resolution reported by Mr. Dement from the committee on the Legislative Department.

Mr. Worcester withdrew his motion, made on yesterday, to strike out of the resolution the words "twenty five" and "seventy-five," and to insert in lieu thereof the words "twenty" and "sixty."

Mr. Scates moved to amend the resolution by striking out the words "seventy-five" and "twenty-five."

On motion,

The convention adjourned until three o'clock, P. M.



## THREE O'CLOCK, P. M.

The convention assembled pursuant to adjournment.

The question, pending at the adjournment, was on the motion of Mr. Scates, to strike out the words "twenty five" and "seventy-five" from the resolution reported on yesterday by Mr. Dement.

Mr. Scates modified his motion, so as to make it one, also, to insert "forty" in lieu of "seventy-five," and "twenty" in lieu of "twenty-five."

Mr. Caldwell called for a division of the pending question, that the vote might be taken first on striking out "seventy-five," and next on striking out "twenty-five."

The question was then taken on striking out the word "seventy-five," and decided in the negative.

The question was then taken on striking out the word "twenty-five," and decided in the negative.

Mr. Deitz moved to amend the resolution by striking out the word "they," and inserting in lieu thereof the words, "a committee of one from each senatorial district be appointed, who shall."

Mr. Sherman moved to amend the amendment by striking out the words, "one from each senatorial district," and insert in lieu thereof the words, "three from each judicial circuit."

Mr. Kitchell moved to lay the amendments on the table.

On motion,

The convention adjourned until Monday morning, at nine o'clock.

## MONDAY, JUNE 21, 1847.

The convention assembled pursuant to adjournment.

Prayer by Rev. Mr. Bergen.

The journal of Saturday was read.

The question, pending at the last adjournment on Saturday, was on the motion of Mr. Kitchell, to lay the amendments, proposed by Mr. Deitz and Mr. Sherman, to the resolution reported by Mr. Dement from the committee on the Legislative Department, on the table.

Mr. Kitchell withdrew that motion.

On motion of Mr. Robbins,

The order of business was suspended to enable him to introduce a resolution; when he offered the following:

*Resolved*, That the convention now proceed to elect an additional secretary, whose duty it shall be to copy the journal of its proceedings.

The question having been taken, the resolution was rejected.

Mr. Dement moved to reconsider the vote just taken, to enable him to offer an amendment to the resolution.

The question having been taken, it was decided in the negative.

On motion of Mr. Minshall,

The order of business was suspended to enable him to offer a resolution; when he offered the following:



*Resolved*, That the committee on the Legislative Department be instructed to inquire into the expediency of amending the present constitution by striking out the 31st section of the 2d article, which provides for the enumeration of all the white inhabitants in every fifth year, and substituting therefor, in the revised constitution, a provision for the adoption of the census taken in this state every ten years by the government of the United States.

On motion of Mr. Minshall,

The resolution was laid on the table.

On motion of Mr. Scates,

The order of business was suspended to enable him to offer a resolution; when he reported, from the committee on the Judiciary Department, the following:

*Resolved*, That the clerks of the respective circuit courts in this state be requested to communicate to this convention the number of causes upon the common law docket for each term since the year 1840, or since the court was erected; the number of appeals from magistrates since that time; the number of original causes; the number of cases disposed of on said docket in each term; the number of cases undisposed of at the last term of the court; the number of causes on the chancery side of said courts at each term since 1810; the number of final decrees made at each term; and the number of such causes now outstanding, with the number of terms that each of said causes has been upon the docket.

On motion of Mr. Dement,

The resolution was laid on the table.

The question recurred upon the amendment proposed by Mr. Sherman to the amendment offered by Mr. Deitz to the resolution reported by Mr. Dement from the committee on the Legislative Department; when, Mr. Deitz withdrew the amendment proposed by him.

Mr. Sherman moved to amend the resolution by striking out the word "they," and inserting in lieu thereof the following:

"A committee of three from each judicial circuit of this state be appointed; which committee shall."

Mr. Singleton offered the following amendment to the amendment offered by Mr. Sherman, as a substitute therefor:

"That a committee, consisting of two delegates from each of the judicial circuits of this state, be appointed by the president, with instructions to divide the territory of this state into twenty-five senatorial districts, equal in territory, without reference to the population; which division, when reported and adopted, shall be permanent and unalterable by the legislature."

On motion of Mr. Thomas,

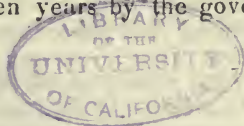
The amendment to the amendment was laid on the table.

Mr. Harding offered the following, to be added to the amendment proposed by Mr. Sherman:

"*Provided*, That in the present and in all future apportionments, in counties having an excess of less than one-third of the ratio, the excess shall be disregarded, and counties having two-thirds of the ratio shall have a member."

On motion of Mr. Witt,

The proposed proviso was laid on the table.





Mr. Harding offered the following proviso, to be added to the amendment:

*"Provided, That no county shall have more than one representative and one senator in the legislature."*

On motion of Mr. Singleton,

The proposed proviso was laid on the table.

Mr. Harding then offered the following proviso to the amendment:

*"Provided, That in the apportionment of members, the excess of population over the ratio of representation in any county shall not entitle the whole of the voters of said county to vote for an additional member, or members, with counties having less numbers than the ratio."*

Mr. Edwards of Madison moved to lay the amendments on the table.

Mr. Harvey called for a division.

The question was then taken on laying the proviso offered by Mr. Harding on the table, and decided in the negative.

The question was then taken on laying the amendment proposed by Mr. Sherman on the table, and decided in the negative.

Mr. Hayes proposed to offer the following as a substitute for the proviso, which was accepted by Mr. Harding, as a modification:

*"Provided, That when more than one county is thrown into one representative district, the entire number of representatives to which the counties placed in one district may be entitled shall be elected by the entire district."*

Mr. Harvey moved that the further consideration of the amendment to the amendment be indefinitely postponed.

On motion,

The convention adjourned until three o'clock. P. M.

#### THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

The question, pending at the adjournment, was on the motion, made by Mr. Harvey, to postpone indefinitely the amendment proposed by Harding to the amendment proposed by Mr. Sherman to the resolution reported by Mr. Dement from the committee on the Legislative Department.

Mr. Logan moved to lay the last clause of the resolution and the pending amendments on the table.

The question having been taken, it was decided in the negative.

Mr. Harvey withdrew his motion to postpone indefinitely the further consideration of the amendment proposed by Mr. Harding to the amendment.

Mr. Harding withdrew his amendment to the amendment.

The question was then taken upon agreeing to the amendment, proposed by Mr. Sherman to the resolution, and decided in the affirmative.

Mr. Harding offered the following proviso, as a further amendment to the resolution; which was adopted:

*"Provided, That where more than one county is thrown into a representative district, the number of representatives to which the counties placed in one district may be entitled shall be elected by the entire district."*



The question was then taken on the adoption of the resolution, as amended, and decided in the affirmative.

*Ordered*, That Messrs. Gregg, Whiteside, Whitney, Archer, Davis of Massac, Armstrong, Sim, Hogue, Davis of McLean, Kitchell, Knapp of Jersey, Palmer of Macoupin, Dummer, Edmonson, West, Farwell, Pratt, McClure, Shumway, Vance, Harvey, Pinckney, Harlan, Hunsaker, Jackson, Milshall, and Hill, be the committee contemplated in the amended resolution.

Mr. Servant presented the petition of Bryce Crawford and one hundred and fifty-five others, citizens of the county of Randolph, praying for an extension of the principles of the declaration of independence, and to grant security and protection irrespective of color; which was read, and, on his motion, referred to the committee on Elections and the Right of Suffrage.

The president laid before the convention a communication from the auditor of public accounts; which was read, as follows:

AUDITOR'S OFFICE, ILLINOIS, June 19, 1847.

To the honorable the PRESIDENT of the Convention:

In reply to the resolution of the convention of the 16th instant, to wit: "*Resolved*, That the auditor of public accounts be requested to report to this convention—

"1. The amount paid to the members of the last general assembly on account of their compensation *per diem*.

"2. The amount paid to members for their mileage.

"3. The amount paid to the officers and others employed by the said general assembly.

"4. The amount paid for all printing done by order of the said general assembly, except the printing of laws and journals.

"5. The amount paid for printing the laws and journals of the said general assembly.

"6. The amount paid for binding the said laws and journals.

"7. The amount paid for stationery, fuel, and all other expenses not herein specified, as far as the same can be ascertained."

I have the honor to report, that the amount paid to the members of the last general assembly for 13,423 days, at \$4 per day, was				\$53,692 00
Amount paid for 42,952 miles, at 20 cents per mile	-	-	-	8,590 40
Amount paid to officers and others	-	-	-	7,282 00
Amount paid for printing current work	-	\$1,966	66	
Amount paid for printing reports	-	1,272	77	
Amount paid for printing journals	-	1,251	25	
Amount paid for printing laws	-	1,217	99	
				<hr/>
				5,708 67
Amount of paper used for printing	-	-	-	1,522 33
Amount paid for binding laws and journals	-	-	-	1,359 23
Amount paid for stationery	-	-	-	1,559 71
Amount paid for fuel	-	-	-	666 03
Amount paid for repairing halls, and assistant porter	-	-	-	281 00

I have the honor to be, with great respect,

Your obedient servant,

THO. H. CAMPBELL,

Auditor of Public Accounts.



On motion of Mr. Logan,

The communication was laid on the table, and one thousand copies ordered to be printed.

On motion of Mr. Henderson,

The order of business was suspended to enable him to offer a resolution, when he offered the following:

*Resolved*, That the secretary of state be requested to report to this convention the returns of the census of 1845, in the same form it was communicated to the general assembly at its last session; and that, when so reported, two hundred copies be printed for the use of the convention.

On motion of Mr. Turnbull,

The resolution was laid on the table.

On motion,

The convention adjourned until to-morrow morning, at nine o'clock.

## TUESDAY, JUNE 22, 1847.

Convention assembled pursuant to adjournment.

Prayer by Rev. Mr. Bailey.

The journal of yesterday was read.

Mr. Archer, from the committee on the Organization of Departments and offices connected with the Executive Department, which was instructed by resolution "to inquire into the propriety of electing the governor for the term of three years, the members of the general assembly to be elected at the same time the governor is elected, and to commence their session at the same time the governor is installed into office, and to serve only one session of sixty days within the term for which the governor was elected, and each member receive two dollars per day for their services, and two dollars for every twenty miles going and coming to and from the seat of government, and no more," reported the same back, and asked to be discharged from the further consideration thereof.

The question was then taken on discharging the committee, and decided in the affirmative.

On motion of Mr. Palmer of Macoupin,

A resolution offered by him some days since, proposing "that the judicial system of this state be composed of a supreme court," &c., was taken from the table, and modified by him so as to instruct the committee on the Judiciary Department to inquire into the expediency of the propositions and matters contained in said resolution.

The question was then taken on the adoption of said resolution, as modified, and decided in the affirmative.

Mr. Scates moved that the resolution reported by him on yesterday from the committee on the Judiciary Department, proposing inquiries to the clerks of the several circuit courts in this state, be taken from the table.

The question having been taken, it was decided in the negative.

On motion of Mr. Hayes,

The order of business was suspended to enable him to introduce a resolution, when he offered the following:



*Resolved*, That so much of the constitution as relates to a system of jurisprudence and the relative powers of courts of chancery and common law be referred to the committee on Law Reform; and the committee on Law Reform is instructed to examine the following proposition, and report on the expediency of its adoption by this convention as one of the amendments to the constitution. It shall be the duty of the general assembly to provide for a codification of the laws, and after the year 18 , neither the common law nor any English statute shall be in force in this state, or regarded by the courts, except to aid in the exposition and construction of the laws of this state.

The question having been taken, the resolution was adopted.

Mr. Kenner moved that an amendment, offered by him some days since, to a resolution proposing that "any portion of a county may be stricken off and added to a county which does not contain an area of four hundred square miles," &c., be taken from the table.

The question having been taken, it was decided in the negative.

On motion of Mr. West,

The order of business was suspended to enable him to offer a resolution, when he offered the following:

*Resolved*, That the journal of the convention be copied in a well-bound book or books, and that the copy be compared by the president and secretary, and all errors, if any, corrected once in every week; and that upon the adjournment of the convention, the president and secretary shall make a certificate at the end of the journal, to the effect that said book or books contain a full and correct journal of the proceedings of the convention.

It is further ordered that the secretary employ an assistant at not exceeding three dollars per day, to copy the journal as provided for in the foregoing resolution, and it is further ordered, that the original journal, after being copied, compared and corrected, shall be furnished the public printer, to be used in printing the journals.

Mr. Logan offered the following as an amendment to be added to the resolution:

*Resolved*, That the secretary of state be directed to furnish the secretary of this convention with the necessary books, in which to copy the journals of the convention.

*Resolved*, That the secretary of state be directed to contract for binding the journals of this convention, and that he let the same to the lowest responsible bidder, who is a practical binder, and a resident of this state, having given thirty days' notice of the letting of said binding.

On motion of Mr. West,

The previous question was ordered.

The question was then taken on agreeing to the amendment, and decided in the affirmative.

The question was then taken on the adoption of the resolution, as amended, and decided in the affirmative.

On motion of Mr. Gregg,

The report made by Mr. Lockwood, from the committee on the Executive Department, on Friday last, was taken up and referred to a commit-



tee of the whole convention and made the order of the day for Tuesday next.

On motion of Mr. Pratt,

Leave of absence was granted to Mr. Markley for ten days.

On motion of Mr. Edwards of Sangamon,

The order of business was suspended to enable him to offer a resolution; when he offered the following:

*Resolved*, That the committee on the Legislative Department be instructed to inquire into the expediency of making the following amendments:

1. That the census shall hereafter not be taken under a law of the state, but the apportionment of members of the house and senate shall be based on the census of the United States once in ten years, and as soon as the returns can be laid before the legislature.

2. That no member shall be eligible to any office, either under the state or general government, until after the expiration of the term for which he was elected, nor shall any member receive any compensation for the time he may be absent except in case of sickness.

3. That the legislature shall provide for the assessment of property once in        years, making provision for the collection of the additional amount liable to taxation in the subsequent years.

4. That no claims against the state shall be allowed until proven and established before some tribunal and afterwards approved by the legislature.

5. That the legislature shall pass no law authorizing any proceeding in any court affecting the property or the right of any individual other than is allowed under the general law of the land.

6. That no retrospective act shall be passed.

7. That one legislature shall pass appropriations for the ordinary and contingent expenses of the next, which shall not be increased, except by a vote of two-thirds of each house.

8. That the legislature shall provide by law for letting out by contract to the lowest responsible bidder, the furnishing the fuel, stationery, printing, copying, and distributing the laws and journals, and all other work and services that can be as well done by contract, nor shall any member or other officer be interested, either directly or indirectly, in any contract.

9. That neither house be allowed to choose more than a certain number of officers, to be fixed in the constitution.

10. That no law shall be passed except by a majority of all the members of each house, and on the final passage of every bill the yeas and nays shall be entered on the journal.

11. That no special acts for the incorporation of cities, towns, or companies shall be passed, nor shall any private acts be passed when the object of the law can be as well attained by the passage of a general law, nor shall the private acts be printed at the expense of the state.

12. There shall be a general law authorizing the location of state roads.

13. The legislature shall not exempt any persons from the payment of any portion of the taxes due by them to the state, nor shall any public



officer, or his sureties, be released from the full amount of their liability to the state or county.

Mr. Witt moved to strike out the first proposition.

On motion of Mr. Davis of Montgomery,

The motion was laid on the table.

The question having been taken upon adopting the resolution, it was decided in the affirmative.

Mr. Churchill moved to suspend the order of business to enable him to introduce a resolution.

The question having been taken, it was decided in the negative.

The presentation of resolutions being in order,

The question pending was on agreeing to an amendment offered by Mr. McCallen to a resolution offered by Mr. Churchill on Thursday last.

Mr. Gregg offered the following amendments to the amendment, as a substitute therefor:

“*Resolved*, That the committee on Incorporations be instructed to inquire into the expediency of so limiting the power of the general assembly, as to prohibit the establishment of corporations or associations, with banking privileges, except upon the basis of the following provisions:

“1. The general assembly shall have no power to pass any act granting any special charter for banking purposes; but corporations, or associations, free to all the inhabitants of this state, may be formed for such purposes, under general laws.

“2. The general assembly shall have no power to pass any law, sanctioning in any manner, directly or indirectly, the suspension of specie payments, by any person, association, or corporation, issuing bank notes of any description.

“3. The general assembly shall provide by law for the registry of all bills, or notes issued, or put in circulation as money, and shall require ample security, by the pledge of public stocks, or otherwise, for the redemption of the same in specie.

“4. The stockholders in every corporation and joint stock association, for banking purposes, issuing bank notes, or any kind of paper credits to circulate as money, shall be individually responsible for all its debts and liabilities, and to make provision for the payment of such debts and liabilities, they shall be required to furnish unexceptionable security of twice the amount of their respective shares in any such corporation or association.

“5. In case of the insolvency of any banking association, the bill holders thereof shall be entitled to preference of payment over all other creditors of such association.

“6. The embezzlement of the funds or property of any corporation, or joint stock association for banking purposes, by any officer or agent thereof, shall be deemed felony, and it shall be the duty of the general assembly to provide for the punishment of such felony by imprisonment in the penitentiary.

“7. No act of the general assembly, authorizing corporations or associations with banking powers, shall go into effect or in any manner be in force, unless the same shall be directly submitted to the people at the



general election next succeeding the passage thereof, and shall be approved by a majority of all the votes cast at such election.

"S. Any general law of this state, authorizing the creation of corporations or associations with banking powers, may be repealed by the general assembly."

Mr. Gregg moved to refer the resolution and amendments to the committee on Incorporations.

Mr. Logan moved to refer the whole subject to a committee of the whole convention, and make it the special order of the day for Friday next.

The question having been taken on Mr. Logan's motion, it was decided in the affirmative.

Mr. Knox offered the following:

*Resolved*, That the committee on Elections &c., be instructed to inquire into the propriety of so amending the 27th section of the second article of the constitution as to limit the right of suffrage to *all white male citizens*, "above the age of twenty-one years, having resided in the state six months next preceding the election," and to such white male inhabitants (of the age aforesaid) as having resided in the state six months next preceding the ratification of the amendments to the constitution, shall have declared their intention to become citizens of the United States, and shall have omitted no due legal steps to perfect their citizenship.

Mr. Whitney moved to amend the resolution by striking out the word "white."

The question was then taken thereon, by yeas and nays,

And decided in the negative,	{ Yeas,	:	:	:	:	8
	{ Nays,	:	:	:	:	137

Those voting in the affirmative, are,

Mr. Cross of Winnebago  
Church  
Deitz

Mr. Judd  
Mason  
Swan

Mr. Sibley  
Whitney.

Those voting in the negative, are,

Mr. Adams

Akin  
Allen  
Anderson  
Archer  
Armstrong  
Atherton  
Blair  
Blakely  
Ballingall  
Brockman  
Bond  
Bosbyshell  
Brown  
Bunsen  
Butler  
Crain  
Canady  
Campbell of McDonough  
Carter

Mr. F. S. Casey

Z. Casey  
Choate  
Colby  
Cross of Woodford  
Cloud  
Churchill  
Dale  
Davis of Montgomery  
Davis of McLean  
Dawson  
Dement  
Dummer  
Dunn  
Dunsmore  
Edwards of Madison  
Edwards of Sangamon  
Eccles  
Edmonson  
Evey

Mr. Farwell

Frick  
Graham  
Geddes  
Green of Clay  
Green of Jo Daviess  
Green of Tazewell  
Gregg  
Grimshaw  
Harding  
Harlan  
Harper  
Harvey  
Hatch  
Hay  
Hayes  
Heacock  
Henderson  
Hill  
Hoes



Mr. Hogue	Mr. McClure	Mr. Spencer
Holmes	McHatton	Servant
Hunsaker	Manly	Sim
Hurlbut	Marshall of Coles	Simpson
Huston	Marshall of Mason	Singleton
Jackson	Mieure	Smith of Gallatin
James	Miller	Smith of Macon
Jenkins	Minshall	Shumway
Jones	Moffett	Thomas
Knapp of Jersey	Moore	Thompson
Knapp of Scott	Morris	Thornton
Kreider	Nichols	Trower
Kenner	Norton	Turnbull
Kinney of Bureau	Oliver	Turner
Kinney of St. Clair	Pace	Tutt
Kitchell	Palmer of Macoupin	Tuttle
Knox	Palmer of Marshall	Vance
Lander	Pinckney	Vernor
Lasater	Rives	Wead
Laughlin	Robbins	Webber
Lemon	Robinson	West
Linley	Roman	Witt
Logan	Rountree	Whiteside
Loudon	Scates	Woodson
McCallen	Stadden	Worcester.
McCully	Shields	



The question having been taken on the adoption of the resolution, it was decided in the affirmative.

Mr. Dawson offered the following:

*Resolved*, That the committee on Education be instructed to inquire into the expediency of adopting a constitutional provision for increasing the common school fund, and to prevent the legislature from borrowing any portion of the school, college or seminary funds in future.

*Resolved*, That the same committee be instructed also to inquire into the expediency of providing by the constitution that the moneys hereafter received from the school, college and seminary funds shall be invested in the bonds of this state at their market value, and also that the interest on bonds so purchased shall be punctually paid.

On motion,

The convention adjourned to 9 o'clock, to-morrow morning.

WEDNESDAY, JUNE 23, 1847.

The convention met pursuant to adjournment.

Prayer by the Rev. Mr. Barger.

The journal of yesterday was read.

In pursuance of a resolution passed on yesterday, the secretary appointed James T. Ewing assistant secretary to copy the journals of this convention.

Mr. Davis of McLean presented the petition of Daniel Proctor, and eighteen others, citizens of the county of McLean, praying that provision may be made in the new constitution for a state superintendent of public instruction, with a liberal salary; which was read, and, on his motion, referred to the committee on Education.



The question pending at the adjournment on yesterday was on adopting resolutions offered by Mr. Dawson.

Mr. Hogue called for a division.

Mr. Eccles called for a division on the first clause of the first resolution.

The question was then taken on adopting the first clause of the first resolution to the words "common school fund," and decided in the affirmative.

Mr. Logan offered the following as an amendment to be added to the last clause of the first resolution:

"To defray the ordinary expenses of the state government."

Mr. Deitz offered the following, to be added to the amendment:

"And that hereafter the first moneys that shall come into the treasury in each and every year shall be set apart for payment to the proper authorities, or persons entitled by law to their respective proportion of the interest annually accruing upon the school, college, and seminary fund."

Mr. Thomas moved that the previous question be now taken;

And the question having been put was decided in the negative.

On motion,

The convention adjourned until 3 o'clock, P. M.

#### THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

The question pending at the adjournment was on agreeing to the amendment proposed by Mr. Deitz to the amendment proposed Mr. Logan to the latter clause of the first resolution offered by Mr. Dawson.

The question having been taken on agreeing to the amendment to the amendment, it was decided in the affirmative.

The question was then taken on agreeing to the amendment as amended, and decided in the affirmative.

The question was then taken on the adoption of the last clause of the first resolution as amended, and decided in the affirmative.

The question was then taken on the adoption of the second resolution, and decided in the affirmative.

Mr. Edwards of Madison, from the committee on Education, reported the following resolution, and recommended its adoption:

*Resolved*, That the committee on Education be instructed to consider and report as to the propriety of a constitutional provision for the security of the college, seminary and common school funds from conversion or destruction by the legislature; also for the establishment of such a system of common schools as will, by taxation combined with state funds, afford the means of education to every child in the state, and the appointment of a state superintendent, with an adequate salary, to give effect to such a system.

Mr. Gregg moved to postpone the consideration of the resolution until Monday next;

The question was taken, and decided in the negative.



On motion of Mr. Constable,

The resolution was amended by adding the following:

"Also, as to the propriety of creating a sinking fund, connected with the debt due from the state to the college, school, and seminary fund, so as to provide for its early repayment, and the investment of that fund in the bonds of this state at their market value, at the same time contemplating the prompt payment of interest on the bonds so purchased by the said funds."

The question was taken on adopting the resolution reported from the committee on Education, as amended, and decided in the affirmative.

Mr. Jones, from the committee on Revenue, reported the following as proper provisions, in the opinion of the committee, to be inserted in the revised constitution:

"The legislature shall cause to be collected from all free white male inhabitants of this state, over the age of twenty-one years, and under the age of sixty years, a capitation tax of not less than fifty cents, nor more than one dollar each, to be applied yearly to the payment of the interest due and to become due from this state to the school, college, and seminary funds; and if in any year there shall remain any balance of said tax after the payment of the interest due for that year, such balance shall be paid into the state treasury.

"The legislature shall provide for levying a tax by valuation, so that every person shall pay a tax in proportion to the value of his or her property; such value to be ascertained by some person to be elected or appointed in each county in this state in such manner as the legislature shall direct, and not otherwise; but the legislature shall have power to tax peddlers, auctioneers, brokers, hawkers, commission merchants, showmen, jugglers, inn keepers, grocery-keepers, and ferrys, and persons using and exercising franchises and privileges in such manner as they shall from time to time direct.

"The following property shall be forever exempt from taxation:

"1. The wearing apparel of every person in this state.

"2. The household and kitchen furniture of every house keeper in this state, not to exceed in value the sum of one hundred dollars.

"3. The real and personal property of this state.

"4. All lands belonging to the school fund of any township in this state, and every school house, court house, and jail, and all county lands and buildings set apart for county purposes not to exceed five acres.

"5. Every building erected for religious worship, the pews and furniture within the same, and the land whereon such building is erected, not exceeding ten acres.

"6. Every building erected for the use of any literary, religious, benevolent, charitable, or scientific institution, and the tract of land on which the same is situated, not exceeding ten acres; also the personal property belonging to any such institution and connected with and set apart for the use thereof."

On motion of Mr. Jones.

The report was laid on the table, and two hundred copies ordered to be printed for the use of the convention.

Mr. Thomas, from the minority of the committee on Revenue, reported



the following sections to be inserted in the constitution on the subject of revenue:

**SECTION 1.** For the purposes of defraying the charges and expenses incident to the existence and administration of government, the inhabitants of and property within the state shall be assessed and taxed by uniform and equal rates. Property shall be taxed according to its value, to be ascertained in the manner herein prescribed. The objects of taxation shall be—lands, tenements, and hereditaments, capital invested in corporations or associations, franchises, stock in trade, money deposited or loaned at interest, personal property of every description, auctioneers, brokers, pedlers, retailers of spirituous or other liquors, commission merchants, and male inhabitants over twenty-one and not exceeding sixty years of age.

**SEC. 2.** The lands subject to taxation shall be divided into not less than six classes, upon each of which a valuation shall be fixed by law, the minimum whereof shall not be less than one dollar and twenty-five cents per acre. The lands in the several counties shall be classed and apportioned according to quality and situation by persons appointed for that purpose, once in every five years, but not more than one-third of the lands in any county shall be placed in either of the three classes of least value, at the time, and by the persons making the classification and apportionment aforesaid. An estimate shall be made of the value of the improvements upon each lot or tract of land, and the value thereof shall be set down and classed separately, and said lands and improvements shall be taxed for the succeeding five years, according to the said valuation.

**SEC. 3.** City, town, and village lots, with the improvements thereon, shall form a separate class of taxable property, and shall be valued annually. Capital invested in corporations, or associations, franchises, stock in trade, money deposited or loaned at interest, and personal property, shall each form a separate class, and shall be valued annually. Auctioneers, pedlers, brokers, commission merchants, retailers of spirituous or other liquors shall be taxed as the general assembly may direct.

**SEC. 4.** Every male inhabitant over twenty-one, and not exceeding sixty years of age, shall pay an annual tax of not less than fifty cents, nor more than one dollar, which shall be applied, first, to the payment of interest on the school, college, and seminary funds, on indebtedness of the state, the county and township school funds, and to literary institutions incorporated by the state; and the residue, if any, to the payment of other state indebtedness.

**SEC. 5.** When the poll tax, herein provided for, shall be fixed at one dollar, no person paying said tax shall be required to perform more than one day's labor on the public roads during the year; but when said tax shall be fixed at less than one dollar two days of such labor may be required.

**SEC. 6.** The corporate authorities of counties, townships, school districts, cities, towns, and villages, may be vested with power to assess and collect taxes for corporate purposes; such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same.

**SEC. 7.** The following property shall be exempt from taxation, viz: The poultry and household and kitchen furniture used by families not ex-



ceeding in value one hundred dollars, and wearing apparel, property belonging to, or held in trust by, the state, or to any county, township, or school district, or to cities, towns or villages, and held for public use—property owned and used by corporate bodies for purposes of education or religious worship, or the burial of the dead; but the general assembly shall have power to limit the quantity of land to be exempt as aforesaid.

SEC. 8. The specification of the objects and subjects of taxation shall not deprive the general assembly of the power to require other objects or subjects to be taxed in such manner as may be consistent with the principles of taxation fixed in this constitution.

On motion of Mr. Thomas,

The report was laid on the table, and two hundred copies ordered to be printed for the use of the convention.

Mr. Dement, from the committee on the Legislative Department, to which was referred sundry resolutions and propositions at different times, and which committee had been instructed to inquire into the expediency of divers matters, reported the same back, accompanied by the following report:

The committee on the Legislative Department, having considered the subjects submitted to them, report the following proposed sections to the constitution:

SECTION 1. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives, both to be elected by the people.

SEC. 2. The first election for senators and representatives shall be held on the first Monday October, one thousand eight hundred and forty-eight; and forever thereafter elections for members of the general assembly shall be held once in two years, on the first Monday in October, in each and every county, at such places therein as may be provided by law.

SEC. 3. No person shall be a representative who shall not have attained the age of twenty-five years, who shall not be a citizen of the United States, and an inhabitant of this state, who shall not have resided within the limits of the county or district in which he shall be chosen twelve months next preceding his election, if such county or district shall have been so long created; but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been taken, unless he shall have been absent on the public business of the United States, or of this state; and who, moreover, shall not have paid a state or county tax.

SEC. 4. No person shall be a senator, who shall not have attained the age of thirty years, who shall not be a citizen of the United States, and who shall not have resided one year in the county or district in which he shall be chosen, immediately preceding his election, if such county or district shall have been so long erected; but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been taken, unless he shall have been absent on the public business of the United States, or of this state, and shall not, moreover, have paid a state or county tax.

SEC. 5. The senators, at their first session herein provided for, shall be divided by lot from their respective counties, or districts, as near as can



be, into two classes. The seats of the first class shall be vacated at the expiration of the second year; and those of the second class at the expiration of the fourth year; so that one-half thereof, as near as possible, may be biennially chosen forever thereafter.

SEC. 6. The senate shall consist of twenty-five members, and the house of representatives shall consist of seventy-five members, never to be increased nor diminished, to be apportioned among the several counties as herein provided for, and until there shall be a new apportionment of the senators and representatives, the state shall be divided into senatorial and representative districts, and the senators and representatives shall be apportioned among the several districts as follows, viz:

SEC. 7. The first session of the general assembly shall commence on the first Monday of January, one thousand eight hundred and forty-nine; and forever thereafter the general assembly shall meet on the first Monday in January next ensuing the election of the members thereof, and at no other period, unless as provided by this constitution.

SEC. 8. The senate and house of representatives, when assembled, shall each choose a speaker and other officers; (the speaker of the senate excepted,) each house shall judge of the qualifications and elections of its members, and sit upon its own adjournments. Two-thirds of each house shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

SEC. 9. Each house shall keep a journal of its proceedings and publish them; the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journals.

SEC. 10. Any two members of either house shall have liberty to dissent and protest against any act or resolution which they may think injurious to the public, or to any individual, and have the reasons of their dissent entered on the journals.

SEC. 11. Each house may determine the rules of its proceedings; punish its members for disorderly behavior; and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

SEC. 12. When vacancies shall happen in either house, the governor, or the person exercising the powers of governor, shall issue writs of election to fill such vacancies.

SEC. 13. Senators and representatives shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

SEC. 14. Each house may punish, by imprisonment during its session, any person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in their presence; provided such imprisonment shall not, at any one time, exceed twenty-four hours.

SEC. 15. The doors of each house, and of committees of the whole, shall be kept open, except in such cases as in the opinion of the house require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two houses shall be sitting.

SEC. 16. Bills may originate in either house, but may be altered,



amended, or rejected by the other, and on the final passage of all bills the vote shall be by yeas and nays, and shall be entered on the journal.

SEC. 17. All bills for raising a revenue shall originate in the house of representatives, subject, however, to amendment or rejection, as in other cases.

SEC. 18. Every bill shall be read on three different days in each house, unless, in case of urgency, three-fourths of the house where such bill is so depending shall deem it expedient to dispense with this rule; and every bill having passed both houses, shall be signed by the speakers of their respective houses. And no private or local law which may be passed by the legislature, shall embrace more than one subject, and that shall be expressed in the title, and no general law shall be in force until published.

SEC. 19. The style of the laws of the state shall be, "*Be it enacted by the people of the state of Illinois, represented in the general assembly.*"

SEC. 20. The sum of two dollars per day, for the first forty-two days' attendance, and one dollar per day for each day's attendance thereafter, and ten cents for each necessary mile's travel going to and returning from the seat of government, shall be allowed to the members of the general assembly, as a compensation for their services.

SEC. 21. No money shall be drawn from the treasury but in consequence of appropriations made by law; and an accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws at the rising of each session of the general assembly.

SEC. 22. No senator or representative shall, during the time for which he shall have been elected, or during one year after the expiration thereof, be appointed or elected to any civil office under this state, which shall have been created, or the emoluments of which shall have been increased during such time.

SEC. 23. The house of representatives shall have the sole power of impeaching, but a majority of all the members present must concur in an impeachment. All impeachments shall be tried by the senate; and when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two thirds of all the senators present.

SEC. 24. The governor and all other civil officers under this state shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, profit, or trust under this state. The party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment, and punishment according to law.

SEC. 25. No judge of any court of law or equity, secretary of state, attorney general, attorney for the state, register, clerk of any court of record, sheriff or collector, member of either house of congress, or person holding any lucrative office under the United States, or this state, (provided that appointments in the militia, postmasters or justices of the peace, shall not be considered lucrative offices.) shall have a seat in the general assembly; nor shall any person holding any office of honor or profit under the government of the United States, hold any office of honor or profit under the authority of this state.



SEC. 26. Every person who shall be chosen or appointed to any office of trust or profit, shall, before entering upon the duties thereof, take an oath to support the constitution of the United States and of this state, and also an oath of office.

SEC. 27. The general assembly shall have full power to exclude from the privilege of electing or being elected, any person convicted of bribery, perjury, or any other infamous crime.

SEC. 28. The general assembly shall have no power to grant divorces, but may authorize the courts of justice to grant them for such causes as may be specified by law; *Provided*, that such laws be general and uniform in their operation throughout the state.

SEC. 29. The general assembly shall have no power to authorize lotteries for any purpose, and shall pass laws to prohibit the sale of lottery tickets in this state.

SEC. 30. The general assembly shall have no power to authorize, by private or special law, the sale of any lands or other real estate belonging in whole or in part to any minor or minors, or other person or persons who may at the time be under any legal disability to act for themselves.

SEC. 31. The general assembly shall have no power to suspend any general law for the benefit of any particular individual, nor to pass any law for the benefit of individuals inconsistent with the general laws of the land; nor to pass any law granting to any individual or individuals, rights, privileges, immunities or exemptions, other than such as may be, by the same law, extended to any member of the community, who may be able to bring himself within the provisions of such law; nor shall the legislature pass any law, whereby any person shall be deprived of his life, liberty, property or franchises without trial and judgment.

SEC. 32. In the year one thousand eight hundred and fifty-five, and every tenth year thereafter, an enumeration of all the white inhabitants of this state shall be made in such manner as shall be directed by law; and the number of senators and representatives, shall, at the first session of the general assembly holden after the returns herein provided for are made, be apportioned among the several counties or districts to be established by law, according to the number of white inhabitants.

SEC. 33. The state may, to meet casual deficits of failures in revenues, contract debts, but never to exceed in the aggregate fifty thousand dollars, and no debt for any other purpose, except to repel invasion, suppress insurrection, or defend the state in war, for payment of which the faith of the state shall be pledged, shall be contracted, unless the law authorizing the same, shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it at such election.

SEC. 34. The credit of the state shall not, in any manner, be given or loaned to, or in aid of, any individual, association, or corporation.

SEC. 35. The legislature shall provide by law, that the fuel and stationery furnished for the use of the state, the copying, printing, and distributing the laws and journals of the general assembly shall be let by contract to the lowest responsible bidder, and that no member of the general assembly, or other officer of the state, be interested either directly or indirectly in any such contract.



Mr. Constable moved that the report be laid on the table, and two hundred copies thereof printed for the use of the convention.

On motion,

The convention adjourned until to-morrow morning, 9 o'clock.

THURSDAY, JUNE 24, 1847.



Convention met pursuant to adjournment.

Prayer by Rev. Mr. Hale.

The question pending at the adjournment on yesterday, was on a motion made by Mr. Constable to lay on the table and order the printing of two hundred copies of the report, made by Mr. Dement, from the committee on the Legislative Department;

The question was taken, and decided in the affirmative.

On motion of Mr. Constable,

The order of business was suspended to enable him to offer an order; when he offered the following:

*Ordered*, That the door-keeper of this convention be instructed to contract for the delivery daily of a sufficient quantity of ice for the use of this body.

Mr. Scates moved to amend the order by adding thereto the words "for the use of such members as furnish the money to pay for it."

Mr. Servant moved to amend the amendment by adding thereto the following:

"And that no person be permitted to use any of said ice, unless he has furnished his portion of the money with which to purchase it."

Mr. Witt moved to lay the amendments on the table.

Mr. Campbell of McDonough moved to lay the whole subject on the table.

Mr. Witt called for a division.

The question was then taken on laying the amendment to the amendment on the table, and decided in the affirmative.

The question was then taken on laying the amendment to the order on the table, and decided in the affirmative.

The question was then taken, by yeas and nays, on laying the order on the table,

And decided in the affirmative,	{ Yeas,	. . . . .	108
	{ Nays,	. . . . .	31

Those voting in the affirmative, are,

Mr. Adams  
Akin  
Allen  
Anderson  
Archer  
Armstrong  
Atherton  
Blair  
Blakely  
Ballingall  
Brockman

Mr. Bosbyshell  
Bunsen  
Butler  
Crain  
Canady  
Campbell of McDonough  
Carter  
F. S. Casey  
Zadok Casey  
Colby  
Cross of Woodford

Mr. Cloud  
Dale  
Davis of Montgomery  
Davis of Massac  
Dawson  
Deitz  
Dement  
Dunn  
Dunsmore  
Eccles  
Edmonson



Mr. Evey	Mr. Kinney of Bureau	Mr. Rives
Farwell	Kitchell	Robbins
Frick	Knowlton	Robinson
Graham	Lander	Rountree
Green of Tazewell	Laughlin	Scates
Grimshaw	Lemon	Swan
Harlan	Linley	Shields
Harper	Logan	Spencer
Harvey	Loudon	Sharpe
Hatch	McCully	Sherman
Hawley	McHatton	Sim
Hay	Manly	Simpson
Henderson	Marshall of Coles	Smith of Gallatin
Hill	Marshall of Mason	Smith of Macon
Hogue	Mason	Shumway
Hunsaker	Mieure	Thornton
Hurlbut	Moffett	Trower
Huston	Moore	Turnbull
Jackson	Morris	Turner
James	Nichols	Vance
Jenkins	Oliver	Vernor
Jones	Pace	Webber
Judd	Palmer of Marshall	West
Kreider	Pratt	Whitney
Kenner	Powers	Woodson.

Those voting in the negative, are,

Mr. Bond	Mr. Heacock	Mr. Pinckney
Constable	Hoes	Roman
Cross of Winnebago	Knapp of Jersey	Stadden
Churchill	Knapp of Scott	Servant
Davis of McLean	Knox	Thompson
Dummer	McCallen	Tutt
Edwards of Madison	McClure	Wead
Edwards of Sangamon	Miller	Williams
Geddes	Minshall	Witt
Green of Jo Daviess	Palmer of Macoupin	Whiteside
Gregg	Peters	Worcester.
Harding		

Mr. Archer, from the committee on the Organization of Departments, and offices connected with the Executive Department, to which was referred certain resolutions instructing said committee to inquire into the propriety of providing for "the election of an auditor of public accounts," with sundry other propositions, reported that the committee had had the same under consideration, and had instructed him to report the following provisions as amendments to the constitution:

SEC. —. There shall be chosen by the qualified electors throughout the state, an auditor of public accounts, who shall hold his office for the term of four years, and whose duties shall be regulated by law, and who shall receive a salary of one thousand dollars per annum for his services.

SEC. —. There shall be elected, by the qualified voters throughout the state, a state treasurer, who shall hold his office for two years, whose duties may be regulated by law, and who shall receive a salary of eight hundred dollars per annum.

SEC. —. There shall be elected, by the qualified voters throughout the state, a secretary of state, who shall hold his office for the same time as the governor, and who shall receive a salary of eight hundred dollars per annum. He shall keep a fair register of the official acts and proceed-



ings of the governor, and shall, when required, lay the same and all papers, minutes, and vouchers, relative thereto before the general assembly, and shall perform such other duties as may be required of him by law.

SEC. —. The general assembly shall advertise for sealed proposals to be received at the office of the secretary of state, for printing and binding the laws and journals and all other papers required or directed to be printed, and shall let out the same to the lowest responsible bidder."

The committee also reported back the resolution "providing for the election by the proper circuit of one state's attorney," &c, and recommended its reference to the committee on the Judiciary Department.

On motion of Mr. Archer,

The report was laid on the table, and two hundred copies of the sections therein reported ordered to be printed for the use of the convention.

Mr. Gregg, from the select committee to apportion the state into senatorial and representative districts, reported the following resolution, and recommended its adoption:

*Resolved*, That the auditor cause to be made for the use of the committee on apportioning the state into representative and senatorial districts, thirty outline maps; and it is further

*Resolved*, That there be printed for the use of the said committee and the convention two hundred copies of the census of 1845, as corrected at the last session of the general assembly.

Mr. Shumway moved to amend the resolution by inserting after the word "maps" the following:

"And that the number of white inhabitants of each county, as appears by the last census, be written upon the surface of the maps within the lines of each county."

The question was taken on agreeing to the amendment, and decided in the affirmative.

The question was then taken on adopting the resolution, as amended, and decided in the affirmative.

Mr. Scates offered the following:

*Resolved*, That the committee on Finance inquire into the expediency of taxing the public lands.

On motion of Mr. Scates,

The consideration of the resolution was postponed until Wednesday next.

On motion of Mr. Dawson,

*Resolved*, That the committee on the Bill of Rights be instructed to inquire into the expediency of engrafting a provision in the constitution having for its object the suppression of duelling.

On motion of Mr. Wead,

*Resolved*, That a special committee of eleven persons be appointed to inquire into the expediency of abolishing the county commissioners' court, and providing for the organization of townships, which townships shall have the general superintendence of their fiscal affairs; and also to report a plan for the better administration of county affairs.

*Ordered*, That Messrs. Wead, Davis of Massac, Williams, Cross of Winnebago, Scates, Harlan, Davis of McLean, Brown, Kinney of St. Clair, Peters, and Pratt, be that committee.



Mr. Geddes offered the following:

*Resolved*, That the committee on Military Affairs be and is hereby instructed to inquire into the expediency of so amending the constitution by adding to the 5th article and 2d section the following:

*Provided*, That all persons who do not do military duty according to law, shall pay a fine of from fifty cents to one dollar, to be collected as other tax and applied to common school purposes.

*Provided*, That when the companies are organized, the captain or commanding officer shall make out a list of the delinquents, and place them in the hands of the collector.

*Provided, also*, That when there is no organization the tax above stated shall be assessed on all free white male inhabitants over the age of eighteen and under forty-five, and collected and applied as above stated.

Mr. Church offered the following to be added to the resolution:

*Provided*, That any poll tax that may, by law, be levied and collected shall be in lieu of military duty.

Mr. Shields moved to lay the resolution and amendment on the table.

Mr. Marshall of Mason called for a division;

The question was taken on laying the amendment on the table, and decided in the affirmative.

The question was taken on laying the resolution on the table, and decided in the affirmative.

Mr. Rountree offered the following:

*Resolved*, That the committee on Revenue be instructed to inquire into the expediency of fixing a maximum rate of taxation, to continue for ——— years.

The previous question having been moved, it was ordered to be put.

The question was accordingly taken upon the adoption of the resolution, and decided in the affirmative.

Mr. Kenner offered the following:

*Resolved*, That the committee on the Legislative Department inquire into the propriety of limiting the action of the general assembly so as to prohibit them from passing any law, the power to pass which is not directly guarantied in the constitution.

*Resolved*, That the committee on the Legislative Department be instructed to inquire into the propriety of so amending the constitution as to require the yeas and nays to be taken on the final passage of all laws, and whether any bill ought to become a law unless the same receive the sanction of a majority of all the members elect in both branches of the general assembly.

On motion of Mr. Constable,

The resolutions were laid on the table.

On motion of Mr. Kitchell,

*Resolved*, That the committee on Law Reform be instructed to inquire into the expediency of providing an article in the constitution which will prohibit the general assembly hereafter from amending any general law, by its title, but that where it becomes necessary to amend any law, the amendment shall be incorporated with the original act, and both be together passed and published, in order that the whole law, upon any subject, may be more easily and certainly known and understood by the people.



*Resolved*, That the committee on Law Reform be instructed to report to this convention, at as early a day as practicable, an amendment to the constitution, providing that no act of the general assembly, hereafter to be passed of a general character, shall be in force until the same shall be published and transmitted to the several counties in the state, in order that the people of the state may know what changes are made, or new laws enacted before they are to be effected by them.

On motion of Mr. Churchill,

*Resolved*, That a committee be appointed by the president, to which when appointed is, by this resolution, referred the subject of agriculture, agricultural statistics, geology, minerology, salines, and internal improvement, with instructions to inquire into and report what constitutional provisions, if any, the several subjects require.

*Ordered*, That Messrs. Churchill, Dale, McCallen, Webber, Brockman, Green of Jo Daviess, and Matheny be that committee.

Mr. Campbell of McDonough offered the following:

*Resolved*, That the president of this convention be requested to make out and file in the office of the auditor of public accounts, on the 24th inst., a certificate or pay-roll, authorizing the auditor to pay to each delegate and officer of this convention the amount of their per diem pay up to the 23d inst., and the full amount of their mileage.

Mr. Davis of McLean moved to lay the resolution on the table.

The question was taken, and decided in the negative.

Mr. Woodson offered the following as an amendment to the resolution:

"*Provided*, said sum shall not exceed two dollars per diem."

Mr. Davis of Massac moved to lay the amendment on the table.

The question was taken, by yeas and nays, on laying on table,

And decided in the affirmative,	{ Yeas,	.	.	.	.	81
	{ Nays,	.	.	.	.	60

Those voting in the affirmative, are,

Mr. Adams

Akin

Anderson

Armstrong

Blair

Blakely

Ballingall

Brockman

Bosbyshell

Bunsen

Butler

Carter

Colby

Cross of Winnebago

Cloud

Church

Churchill

Davis of Montgomery

Davis of Massac

Dement

Dummer

Dunn

Edmonson

Farwell

Mr. Frick

Geddes

Green of Jo Daviess

Grimshaw

Hatch

Hawley

Heacock

Henderson

Hill

Hoes

Hogue

Hurlbut

Huston

Jackson

Jenkins

Knapp of Jersey

Kenner

Kinney of Bureau

Kinney of St. Clair

Lander

Laughlin

Loudon

McCallen

McClure

Mr. McHatton

Manly

Marshall of Coles

Marshall of Mason

Mason

Minshall

Moffett

Moore

Morris

Nichols

Norton

Oliver

Pace

Palmer of Macoupin

Pratt

Pinckney

Rives

Robbins

Roman

Swan

Sharpe

Servant

Sibley

Smith of Gallatin



Mr. Thompson  
Thornton  
Trower

Mr. Turner  
Tutt  
Vance

Mr. Wead  
Webber  
Whitney.

Those voting in the negative, are,

Mr. Allen  
Atherton  
Bond  
Canady  
Campbell of McDonough  
F. S. Casey  
Z. Casey  
Choate  
Constable  
Dale  
Davis of McLean  
Dawson  
Edwards of Madison  
Edwards of Sangamon  
Eccles  
Evey  
Graham  
Green of Tazewell  
Harding  
Harlan

Mr. Harper  
Harvey  
Hay  
Hunsaker  
James  
Jones  
Judd  
Knapp of Scott  
Kreider  
Kitchell  
Knowlton  
Knox  
Lasater  
Lemon  
Linley  
Logan  
McCully  
Mieure  
Miller  
Palmer of Marshall

Mr. Powers  
Robinson  
Rountree  
Scates  
Stadden  
Shields  
Spencer  
Sim  
Simpson  
Smith of Macon  
Shumway  
Turnbull  
Tuttle  
Vernor  
West  
Williams  
Witt  
Whiteside  
Woodson  
Worcester.

The question was then taken on the adoption of the resolution, and decided in the affirmative.

On motion of Mr. Kitchell,

Leave of absence was granted to Mr. Green of Clay for six days.

On motion,

The convention adjourned to four o'clock, P. M.

FOUR O'CLOCK, P. M.

The convention met pursuant to adjournment.

Mr. Robbins offered the following:

*Resolved*, That the committee to provide for the alteration and amendment of the constitution, inquire into the expediency of amending article 7th of the constitution, by substituting in place thereof the following, to wit:

“Whenever two-thirds of the general assembly of this state shall think it necessary to alter or amend this constitution, they shall propose such alterations or amendments to the people; and it shall be the duty of the governor, by proclamation, to lay the same before the people, at least four months before the next ensuing election for members of the general assembly; and if a majority of all the members of both branches of the general assembly, elected at the said election, shall approve of all or a part of the said proposed amendments, the amendment or amendments so approved of shall be submitted to the people for their ratification or rejection, and such amendments as shall be so ratified by a majority of the legal voters of the state, shall become a part of the constitution.”



Mr. Kitchell moved to strike out all after the word "resolved," and insert the following:

"That the committee on the Revision and Adjustment of the articles of amendment of the Constitution be instructed to report an article to this convention so amending the seventh article of the constitution as to provide that hereafter the constitution may be amended by articles agreed to by two-thirds of the general assembly, and approved by a majority of the qualified voters of the state at some general election, without requiring the call of a convention."

Mr. Eccles moved to amend the proposed substitute by striking out the word "report," and inserting in lieu thereof the words "inquire into the expediency of reporting."

The question was taken on agreeing to the amendment to the amendment, and decided in the affirmative.

Mr. Marshall of Coles moved further to amend the substitute by adding thereto the following proviso:

"*Provided*, That the people shall not be called upon to vote upon more than one amendment to the constitution in any one year."

The question was taken on agreeing to the proviso, and decided in the negative.

Mr. Davis of Massac moved to lay the resolution and substitute on the table.

The question was taken, and decided in the negative.

Mr. Deitz offered the following as a proviso, to be added to the resolution:

"*Provided*, That such proposed amendment or amendments shall not be entertained more than once in five years."

The question was taken on agreeing to the proviso, and decided in the negative.

On motion of Mr. Edwards of Madison,

The amended substitute was laid on the table.

Mr. Kenner offered the following as a proviso to be added to the resolution:

"*Provided*, That the legislature shall not act upon more than one of the following divisions in the constitution at the same session: the judiciary, legislative or executive.

On motion of Mr. Constable,

The proposed proviso was laid on the table.

On motion of Mr. Cross of Winnebago,

The previous question was ordered.

The question was taken on the adoption of the resolution, and decided in the affirmative.

On motion of Mr. Spencer,

*Resolved*, That the committee on Law Reform be requested to inquire into the expediency of exempting the property of married women from attachment or execution, sale or distress, by virtue of any legal process against the husband, by a provision to be inserted in the amended constitution.

On motion of Mr. Logan,

The following additional rule was adopted:



"Two-thirds of the convention shall be necessary to constitute a quorum to do business; but any number of members, at or after the time to which the convention shall have adjourned, or while the convention is in session, shall have power to order a call of the convention, and to enforce the attendance of absent members."

On motion of Mr. Bosbyshell,

*Resolved*, That the auditor of state be requested to report to this convention, at as early a day as practicable, the amount of real and personal property in this state, subject to taxation in the years 1836 and 1846.

On motion of Mr. Crain,

*Resolved*, That the committee on the Legislative Department be instructed to inquire into the propriety of so amending the constitution as to prohibit the holding of two or more lucrative offices, at the same time, by one person.

Mr. Kenner offered the following:

*Resolved*, That the committee on Counties be instructed to inquire into the propriety of so amending the constitution as to permit any portion of a county, containing more than four hundred square miles, to be stricken off and added to a county of less than four hundred square miles, upon a majority of three-fourths of the legal voters in said district proposed to be stricken off; *Provided*, That the county from whence it may be taken shall not be reduced to an area of less than four hundred square miles, nor the county lines brought within ten miles of any county seat.

Which was,

On motion of Mr. Knowlton,

Laid on the table until the 4th of July, 1849.

Mr. Bond offered the following:

*Resolved*, That the committee on Bill of Rights be instructed to report for adoption by this convention, as an article of the new constitution of this state, a clause prohibiting free negroes from hereafter emigrating to and settling within the bounds of this state, and to prevent the owners of slaves in other states from bringing them into and setting them free in this state, with such penalties annexed as will be calculated to effectuate the object in view.

Mr. Adams moved to strike out all after the word "resolved," and insert in lieu thereof the words:

"That the legislature shall have no power to pass laws of an oppressive character applicable to persons of color."

On motion of Mr. Shields,

The amendment was laid on the table, by yeas and nays: { Yeas, . 92  
Nays, . 46

Those voting in the affirmative, are,

Mr. Akin  
Allen  
Anderson  
Atherton  
Blakely  
Brockman  
Bond  
Crain

Mr. Campbell of McDonough  
F. S. Casey  
Z. Casey  
Constable  
Cloud  
Churchill  
Davis of Montgomery  
Davis of Massac

Mr. Dawson  
Dement  
Dunsmore  
Edwards of Madison  
Edwards of Sangamon  
Eccles  
Edmonson  
Evey



Mr. Frick	Mr. Loudon	Mr. Stadden
Graham	McCallen	Sharpe
Geddes	McCully	Shields
Green of Jo Daviess	McClure	Servant
Grimshaw	McHatton	Sim
Harlan	Manly	Simpson
Hawley	Marshall of Coles	Smith of Gallatin
Hunsaker	Marshall of Mason	Smith of Macon
Huston	Mieure	Shumway
James	Miller	Thornton
Jenkins	Minshall	Trower
Jones	Moore	Turnbull
Knapp of Jersey	Morris	Tutt
Knapp of Scott	Oliver	Tuttle
Kreider	Pace	Vance
Kenner	Palmer of Macoupin	Vernor
Kinney of St. Clair	Palmer of Marshall	Webber
Kitchell	Rives	West
Lander	Robbins	Witt
Lasater	Robinson	Whiteside
Laughlin	Roman	Woodson
Lemon	Rountree	Worcester.
Logan	Scates	

Those voting in the negative, are,

Mr. Adams	Mr. Dunn	Mr. Knowlton
Armstrong	Green of Tazewell	Knox
Blair	Gregg	Mason
Ballingall	Harding	Moffett
Bunsen	Harper	Norton
Butler	Harvey	Pratt
Canady	Hatch	Peters
Carter	Heacock	Pinckney
Choate	Henderson	Powers
Colby	Hill	Swan
Cross of Winnebago	Hoes	Spencer
Church	Hurlbut	Sibley
Dale	Jackson	Turner
Davis of McLean	Judd	Williams
Deitz	Kinney of Bureau	Whitney.
Dummer		

On motion,

The convention adjourned until to-morrow morning at 9 o'clock.

## FRIDAY, JUNE 25, 1847.

The convention met pursuant to adjournment.

Prayer by the Rev. Mr. Barger.

The question pending at the adjournment on yesterday, was on the adoption of the resolution introduced yesterday by Mr. Bond.

Mr. Thornton moved to amend the resolution by striking out all after the words "instructed" and insert in lieu thereof the following:

"To report a provision for insertion in the revised constitution, authorizing the legislature to enact all necessary laws, to prevent the immigration of negroes to this state, and to prohibit their emancipation here by their owners, on any terms."



Mr. Witt moved the previous question; the question was taken, and decided in the negative.

Mr. Mason moved to lay the resolution and amendment on the table, and that two hundred copies of the resolution and amendment, with all the laws of the state relating to people of color, be printed for the use of the convention.

Mr. Kitchell moved that the motion of Mr. Mason to lay on the table and print be laid upon the table.

Mr. Worcester called for a division so as to first take the question on laying the motion to print on the table.

The question was then taken on laying the part of Mr. Mason's motion which relates to printing on the table, and decided in the affirmative.

The question was then taken on laying the remainder of Mr. Mason's motion on the table, and decided in the affirmative.

On motion,

The convention adjourned until 3 o'clock, P. M.

### THREE O'CLOCK, P. M.

The convention met.

The question pending at the adjournment this morning was upon agreeing to the amendment proposed this morning by Mr. Thornton to the resolution offered on yesterday by Mr. Bond.

Mr. Moffett moved to amend the proposed substitute by adding thereto the following:

"*Provided*, That such provision shall be left to the people to vote on separately, and not endanger the other portions of the constitution.

Mr. Powers moved the indefinite postponement of the whole subject.

Mr. Vance moved the previous question.

Mr. Witt moved that the whole subject be laid on the table.

Mr. Singleton moved that the convention adjourn until to-morrow morning at 9 o'clock.

The question was taken, and decided in the negative.

The question was then taken, by yeas and nays, on laying the whole subject on the table,

And decided in the affirmative,	{ Yeas,	:	:	:	:	80
	{ Nays,	:	:	:	:	55

Those voting in the affirmative, are,

Mr. Adams	Mr. Cloud	Mr. Edwards of Madison
Anderson	Church	Edwards of Sangamon
Armstrong	Churchill	Eccles
Blair	Dale	Frick
Battingall	Davis of McLean	Graham
Brown	Dawson	Green of Tazewell
Canady	Deitz	Gregg
Carter	Dummer	Grimshaw
Choate	Dunlap	Harding
Cross of Winnebago	Dunn	Harlan



Mr. Harper	Mr. Lander	Mr. Powers
Harvey	Laughlin	Stadden
Hatch	Logan	Swan
Hawley	McClure	Sharpe
Hay	McHatton	Spencer
Henderson	Marshall of Coles	Servant
Hill	Marshall of Mason	Sibley
Hurlbut	Mason	Smith of Macon
Huston	Miller	Trower
Jackson	Minshall	Turnbull
Jones	Moore	Turner
Knapp of Jersey	Nichols	Tuttle
Knapp of Scott	Norton	Vance
Kenner	Palmer of Macoupin	Wead
Kinney of Bureau	Palmer of Marshall	Webber
Kitchell	Pratt	Williams
Knowlton	Pinckney	Worcester.

Those voting in the negative, are,

Mr. Akin	Mr. Hogue	Mr. Robbins
Allen	Hunsaker	Robinson
Atherton	James	Roman
Blakely	Jenkins	Rountree
Brockman	Kinney of St. Clair	Scates
Bond	Lasater	Shields
Bunsen	Lemon	Sim
Crain	Linley	Simpson
Campbell of McDonough	Loudon	Singleton
F. S. Casey	McCallen	Smith of Gallatin
Z. Casey	McCully	Shumway
Constable	Manly	Thornton
Davis of Montgomery	Mieure	Tutt
Davis of Massac	Moffett	Vernor
Edmonson	Morris	West
Evey	Oliver	Witt
Geddes	Pace	Whiteside
Hawley	Rives	Woodson.
Hayes		

On motion of Mr. Logan,

*Resolved*, That Mrs. Brown and daughters be permitted to use the senate chamber, on Saturday evening next, for the purpose of giving a concert to the citizens and strangers in Springfield.

On motion,

The convention adjourned until to-morrow morning, at nine o'clock.

SATURDAY, JUNE 26, 1847.

Convention assembled pursuant to adjournment.

Prayer by Rev. Mr. Palmer of Marshall.

The journal of yesterday was read.

Mr. Singleton presented the following petition and resolutions, which he read in his place.

"The undersigned, *free citizens* of the state of Illinois, humbly complaining, represent, that the action of your honorable body, upon the subject of the introduction of free persons of color, to the state of Illinois, is not, in the opinion of your petitioners, expressive of the will, or promo-





tive of the interest of the people of this state; but upon the contrary, has stifled their voices, is calculated to degrade and debase their character abroad, impair their interest, and lessen their respect for each other at home, and is, in effect, an invitation to a horde of ruthless vagabonds—the pest of southern states, and promised curse of this—to come within our borders, where they shall have full protection and aid in the completion of a subterranean under-ground railway, constructed to despoil our neighbors of their property.

“The premises considered, and inasmuch as your petitioners for themselves have no remedy against the evils to which they are exposed, except in a convention of the people, where matters of this sort are strictly cognizable, your petitioners, therefore, most respectfully request that your honorable body will adopt the resolutions hereto annexed, as in duty bound your petitioners will ever pray.

“*Resolved*, That the introduction of free persons of color into the state of Illinois, is a growing evil and ought to be prohibited.

“*Resolved*, That a select committee consisting of ——— be appointed by the chair, to prepare and report to this convention a provision to be inserted in the amended constitution, which will of itself confer sufficient power to enable the people of this state to protect themselves against the evils of such a migration or introduction, and against all interference by the inhabitants of this state with the slave property of our sister states and territories, within the limits and under the jurisdiction of the United States.

“*Resolved*, That said provision reported as aforesaid be submitted to the people for their ratification as a separate and distinct provision, and if a majority of all the votes polled for the said constitution be not against it, it shall be a part of said constitution.

(Signed) H. J. GRIMSLEY, with five others.”

On motion of Mr. Logan,

The petition and resolutions were referred to the committee on the Bill of Rights.

Mr. Campbell of Jo Daviess asked to be excused from further service on the committee on Education.

After remarks by many gentlemen, members of the committee and others, all tending to dissuade Mr. Campbell from that desire, and to continue his position on that committee, he withdrew the application.

Mr. Edwards of Madison asked to be excused from further service on the committee on Education.

Mr. Churchill made the same request.

On motion,

The convention adjourned to three o'clock. P. M.

THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

The question pending at the adjournment was on the request of Mr. Edwards of Madison, to be excused from serving on the committee on Education.



After remarks from the chairman of the committee and several gentlemen, tending to dissuade him from that desire,

The question was then taken, and unanimously decided in the negative.

The question was then taken on excusing Mr. Churchill from further service on the committee on Education, and unanimously decided in the negative.

Mr. Z. Casey, from the committee on Revenue, which was, by resolution, "instructed to inquire into the expediency of fixing a maximum rate of taxation," &c. reported the resolution back, and requested to be discharged from the further consideration thereof.

The question was taken on discharging the committee, and decided in the affirmative.

On motion of Mr. Sharpe,

*Resolved*, That the eleventh section of the 3d article of the present constitution be referred to the committee on the Organization of Departments and of offices connected with the Executive Department.

On motion of Mr. Marshall of Mason,

*Resolved*, That the committee on the Division of the State into Counties and their Organization, be instructed to inquire into the expediency of incorporating into the revised constitution the following provision, viz:

The general assembly shall not have power to authorize by law the removal or re-location of any county seat, unless the particular place or point, to which such seat of justice is proposed to be removed, shall be particularly designated; and provided, that no such law shall be in force until ratified by the vote of a majority of the legal voters of such county, at the next general election after the passage of the laws.

Mr. Servant offered the following:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of exempting persons, having *conscientious scruples*, from serving on juries, upon such terms as shall be deemed reasonable and just.

On motion of Mr. Minshall,

The resolution was referred to the committee on Law Reform.

Mr. Vernor offered the following:

*Resolved*, That the county courts of the several counties in this state shall have the exclusive right to cause to be assessed and collected, as shall be provided by law, a tax on sections numbered sixteen in the several townships in this state, or other lands which may have been selected in lieu thereof, granted to the state of Illinois by the United States for the use of schools; said tax not to exceed in amount the tax levied on other lands of the same value for state and county purposes, and that the amount thus raised shall be applied exclusively to the support of common schools in the several townships where the lands are situated: *Provided*, that the above is not intended to apply to any section, or other lands in lieu thereof, which has not been sold by the authority of this state.

On motion of Mr. Turnbull,

The resolution was amended by inserting after the word "that," in the first line, the words "the committee on Revenue be instructed to inquire into the expediency of providing that."



The question was taken on adopting the resolution as amended, and decided in the affirmative.

On motion of Mr. Campbell of Jo Daviess,

*Resolved*, That the Executive committee be requested to inquire into the expediency of inserting in the constitution a clause providing for the election of sheriffs for — term of — years, and making them ineligible for more than one term consecutively.

On motion of Mr. Scates,

*Resolved*, That the committee on Education inquire into the expediency of a provision requiring the school commissioners of counties to collect in the principal of the county and township school funds and investing the same in state bonds.

On motion of Mr. Thornton,

*Resolved*, That the committee on Law Reform be instructed to inquire into the propriety of making the following amendment to the constitution: "That all laws that may be passed by the legislature, and the judicial and legislative written proceedings of this state, shall be promulgated, preserved and conducted in the English language."

On motion of Mr. Davis of Montgomery,

Leave of absence was granted to Mr. Lemon for one week.

On motion of Mr. Harding,

*Resolved*, That the committee on Education inquire into the expediency of providing that,

1 The legislature may provide for the election by the people of a state superintendent of schools, define his duty and salary.

2. Officers and trustees, having the school, college, or seminary funds, or any school funds, for investment, may purchase therewith, or invest them in, the bonds of the state; *Provided*, that the legislature may, if they deem the said funds will thereby be in danger of diminution or be rendered unproductive, restrict said investment by law.

3. The revenue derived from a capitation tax shall be applied to the payment of the interest and principal of the debts now, or that hereafter shall become due, to the school, college and seminary fund, and to any officer or corporation in trust for schools, *pro rata*.

4. All education funds shall forever remain inviolate, and no appropriation, or loan of them shall be made, but for their increase, security, and the education of the children of the state.

On motion of Mr. Davis of Massac,

*Resolved*, That the committee on the Militia be instructed to inquire into the expediency of reporting an amendment to the constitution, making all militia officers of this state elective by the persons subject to military duty, in the several divisions, brigades, &c., and for limiting the term of service of militia officers.

On motion of Mr. Kinney of St. Clair,

*Resolved*, That the committee on Law Reform be instructed to inquire into the expediency of reporting a provision to be inserted into the amended constitution to require the legislature to provide for the appointment and pay of commissioners to codify the laws of this State.



On motion of Mr. Cross of Winnebago,

*Resolved*, That the committee on Elections and the Right of Suffrage be instructed to inquire into the expediency of changing the time of holding elections from the first Monday in August to the Tuesday next after the first Monday in November, and the manner of voting from *viva voce* to ballot.

Mr. Brockman offered the following:

*Resolved*, That the committee on the Legislative Department be instructed to inquire into the expediency of inserting into the constitution the following amendments, to-wit:

1. The general assembly of this state shall convene, at the capital, on the first Monday in January, 184—, and biennially thereafter—the sessions thereof, whether general or special, shall not be for a longer term than sixty days; but the governor shall have power to prolong said sessions, if, in his opinion, the interests of the people demand the same.

2. The senate and house of representatives shall have power to elect a public printer, and each body shall elect such other officers as shall be necessary for the speedy transaction of business.

On motion of Mr. McCallen,

The resolution was laid on the table.

Mr. Powers offered the following:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of providing in the new constitution for the election of county attorneys in each of the several counties of this state, instead of the circuit attorneys now appointed by the legislature.

On motion,

The convention adjourned until Monday morning.

## MONDAY, JUNE 28, 1847.

Convention assembled pursuant to adjournment.

Prayer by Rev. Mr. Green of Tazewell.

The journal of Saturday was read.

The question pending at the adjournment on Saturday, was on the adoption of a resolution offered by Mr. Powers, just at the adjournment.

The question was taken on the adoption of the resolution, and decided in the affirmative.

Mr. Canady offered the following:

*Resolved*, That the committee on Incorporations be instructed to inquire into the propriety of engrafting into the revised constitution a clause authorizing the legislature to grant bank charters when the best interests of the state may demand the same.

Mr. Markley moved to amend the resolution by striking out all after the word "resolved," and inserting in lieu thereof the following:

*Resolved*, That the committee on Incorporations be instructed to report a clause in the constitution prohibiting the legislature from chartering any individual, or individuals, corporation or corporations, from banking or in any manner making and putting into circulation paper money; and that



said clause shall be voted on separately at the same time with the constitution, and if a majority of the votes cast shall vote for said clause, it shall be and form a part of the constitution.

*Resolved*, That the committee on Banks and Incorporations be instructed to report an amendment or clause in the constitution prohibiting the legislature from granting any incorporate powers to any individual or individuals, corporation or corporations, for the purpose of banking, unless the same is first submitted to the people to vote for or against, and in case it shall appear that a majority of all the votes cast are against such incorporation, then it shall not become a law; *Provided*, that under no circumstances shall the legislature grant any incorporation for banking purposes unless such act of incorporation shall be so worded as to make the individual property of the stockholders liable for the amount of their stock.

On motion of Mr. McCallen,

The whole subject was laid on the table.

Mr. Singleton offered the following:

Whereas all life offices are justly odious to the people of this state; and whereas, there exists no difference between the evils of a life office and an office for life; therefore,

*Resolved*, That under the new constitution all life offices be abolished, and that no person or persons, who may be appointed or elected under the provisions of the amended constitution, to any office thereby created or authorized, and who shall enter upon the duties thereof, or otherwise signify his or their acceptance of the same, shall not be eligible to any other office created or authorized by the aforesaid constitution or by the general assembly of this state, for and during the period for which he or they were elected or appointed, and for the term of two years thereafter.

On motion of Mr. Eccles,

The preamble and resolutions were referred to the committee on the Judiciary Department.

On motion of Mr. Scates,

The convention resolved itself into a committee of the whole, for the purpose of considering a resolution offered by Mr. Churchill, on the 17th instant, relative to banks and paper money, and substitutes therefor offered by Messrs. McCallen and Gregg, which resolutions and substitutes had been before referred to such committee—Mr. Edwards of Sangamon in the chair.

Mr. Scates moved to strike out various propositions before the committee, and in lieu of them substitute the following:

“Whereas the power “to regulate commerce with foreign nations, and among the several states, and with the Indian tribes,” and “to coin money, regulate the value thereof, and of foreign coin, and for the standard of weights and measures,” has been granted exclusively to the United States. And the power to “coin money, emit bill of credit, make any thing but gold and silver coin a tender in payment of debts,” has been prohibited to the states; therefore,

“*Resolved*, That the states ought not to attempt to do indirectly what they have no power to do directly.

“*Resolved*, That the committee on Incorporations be instructed to inquire into the expediency of submitting for the consideration of the peo-



ple at the polls, whether they wish or desire to place a total prohibition upon the power of the legislature, to attempt to create, extend or authorize any banking powers or privileges in this state, or any exclusive powers or privileges not common to all the citizens.

Mr. Thomas called for a division, so that the vote might first be taken on striking out.

After sometime spent in the consideration of the matters pending,

On motion of Mr. Constable,

The committee rose and, by their chairman, reported progress therein and asked leave to sit again; such leave was accordingly granted.

On motion,

The convention adjourned until to-morrow morning, at nine o'clock.

## TUESDAY, JUNE 29, 1847.

The convention met pursuant to adjournment.

Prayer by the Rev. Mr. Dresser.

The journal of yesterday was read.

Mr. Hayes, from the committee on Law Reform, to which was referred a resolution providing that no act of the legislature shall be in force until published and transmitted to the several counties, &c., reported the same back, and asked to be discharged from the further consideration thereof.

The question was taken on discharging the committee, and decided in the affirmative.

Mr. Hayes, from the same committee, which was instructed to inquire into the expediency of providing an article in the constitution to prohibit the general assembly from amending any general law by its title, &c., reported the same back, and asked to be discharged from the further consideration thereof.

The question was taken on discharging the committee, and decided in the affirmative.

On motion of Mr. Z. Casey,

The report of the committee on Revenue, the report of the minority of the committee on Revenue, the report of the committee on the Legislative Department, and the report of the committee on the Organization of the Departments, and offices connected with the Executive Department; which reports had, respectively, some days since, been laid on the table and ordered to be printed, were taken from the table and referred to the committee of the whole, to which, some time since was referred the report of the committee on the Executive Department.

On motion of Mr. Z. Casey,

The convention resolved itself into a committee of the whole, and resumed the consideration of the resolution and amendments proposed, &c., on the subject of banks and paper money, which had occupied the attention of the same committee on yesterday—Mr. Edwards of Sangamon in the chair.

The question pending before the committee being upon striking out the



propositions referred to it, that question was put, and decided in the affirmative.

Mr. Singleton offered the following as a substitute for the proposition offered by Mr. Scates:

"After the adoption of this constitution the state of Illinois shall not become, directly or indirectly, interested in the stock of any bank to be created by the legislature thereof, or in the management and conduct of said bank otherwise than by granting the charter of the same; *Provided*, no bank charter shall hereafter be granted by the legislature of this state that does not make the embezzlement of money, by the officers of such bank, felony—and provide for the punishment of the same—prohibit the suspension of specie payment, and prefer the bill holders of said bank to all other creditors."

And after some time spent in the consideration of the matters pending,

On motion of Mr. Geddes,

The committee rose and, by their chairman, reported progress therein, and asked leave to sit again; such leave was accordingly granted.

On motion,

The convention adjourned to 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The convention assembled pursuant to adjournment.

On motion of Mr. Z. Casey,

*Resolved*, That the convention will on to-morrow, and from day to day thereafter, resolve itself into committee of the whole, and proceed to consider, until they shall be disposed of, reports of committees and parts of the constitution, in the following order, viz:

1. The report of the committee on the Legislative Department.
2. The report of the committee on the Executive Department.
3. The report of the committee on the Judiciary Department.
4. The report of the committee on the Bill of Rights; and then,
5. Miscellaneous parts of the constitution.

On motion of Mr. Z. Casey,

The convention resolved itself into a committee of the whole, and resumed the consideration of the amendment proposed to Mr. Churchill's resolution, and Mr. Singleton's substitute for said amendment, &c., on the subject of banks and paper money, which had occupied the attention of the same committee this morning—Mr. Edwards of Sangamon in the chair.

The question pending before the committee was upon agreeing to the substitute proposed by Mr. Singleton; when,

Mr. Singleton withdrew his substitute.

Mr. Edwards of Madison offered the following as a substitute for the amendment proposed by Mr. Scates:

*Resolved*, That the committee on Incorporations be instructed to report, as an article in the contemplated constitution, the following, in substance:



## ARTICLE —.

SECTION 1. The general assembly of this state shall not have power to create any banking institution whatever, established upon the credit or resources of this state, to be called a state bank; nor shall the state at any time become a stockholder, or in any manner interested in any banking institution created under the laws of this state or of any other state in the United States.

SEC. 2. The general assembly shall have no power to pass any act granting any special charter for banking purposes.

SEC. 3. The general assembly may have power to establish corporations or associations for banking purposes by a general law, subject to the following provisions and restrictions, viz:

1. The general assembly shall have no power to enact any provision in such law, sanctioning in any manner, directly or indirectly, the suspension of specie payments by any association or corporation issuing bank notes of any description whatever.

2. The general assembly shall provide in said law for the registry of all bills or notes issued or put in circulation as money, and shall require ample security for the redemption of the same in specie.

3. Stockholders in every corporation or joint stock association for such purposes, issuing bank notes, or any kind of paper credit to circulate as money, shall be individually responsible to the amount of their respective share or shares of stock in any such corporation or association for all its debts or liabilities of any kind.

4. In all case of the insolvency of any such corporation or association, the bill holders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

5. No such corporation or association shall issue or put in circulation any bills or notes thereof until the stock thereof shall be fully paid in, in specie.

6. No such corporation or association shall ever be permitted to issue bills or notes to exceed three times the capital paid in, under the penalty of forfeiture of their privileges under the said law.

7. For the security of community, under the operations of said law, the number of said corporations or associations shall be limited to one in number of districts severally to be apportioned in said law.

8. Any embezzlement of the funds or property of any such corporation or association by any person whatever shall be deemed felony, to be punished, as may be provided by law, in the penitentiary in this state.

9. This article shall be submitted to the approval or rejection of the people of this state, at the time of the submission of the contemplated constitution, separately, and should the same be rejected, then all banking institutions of any kind whatever shall be prohibited within the limits of this state.

After some time spent in the consideration of the matters pending,

On motion of Mr. Peters,

The committee rose, and, by their chairman, reported progress therein, and asked leave to sit again; such leave was accordingly granted.

On motion,

The convention adjourned until to-morrow morning, at nine o'clock.



WEDNESDAY, JUNE 30, 1847.

The convention met pursuant to adjournment.

Prayer by the Rev. Mr. Hale.

The journal of yesterday was read.

Mr. Spencer presented the petition of C. L. Bascom and thirty-nine others, citizens of the counties of Rock Island and Henry, praying for the creation of the office of superintendent of public instruction; which, on his motion, was referred to the committee on Education.

Mr. Archer, from the committee on the Organization of Departments, &c., to which was referred by resolution the eleventh section of the 3d article of the present constitution, reported the same back, and asked to be discharged from the further consideration of the same.

The question was taken on discharging the committee, and decided in the affirmative.

Mr. Z. Casey, from the committee on the Legislative Department, which was instructed by resolution to inquire into the propriety of so amending the constitution as to prohibit the holding of two or more lucrative offices at the same time by any one person, reported the same back, and asked to be discharged from the further consideration thereof.

The question was taken on discharging the committee, and decided in the affirmative.

On motion of Mr. Bunsen,

*Resolved*, That the committee on Education be requested to inquire into the expediency of the following preamble and resolutions:

Whereas there is nothing of more importance to the prosperity of the community than Education; and whereas, a good education will always be depending on good school institutions, the establishing and maintenance of which require a great deal of skill and experience on one hand, and, if to be executed so as to answer the purpose, more exercise and activity than one man is able to undergo on the other hand; therefore,

*Resolved*, That by an act of this convention the legislature be authorized and ordered, as soon as the financial situation of this state will permit it, to provide by law for and carry into effect the following resolutions, to wit:

1. *Resolved*, That the state of Illinois be divided into ——— school districts.

2. *Resolved*, That in every school district, and as near as possible to its centre, a seminary be established for the purpose of teaching and educating school teachers.

3. *Resolved*, That each of these seminaries be directed and governed by a man of science, skill and practical experience, acquired by an answering exercise in the performance of the profession of teaching school; *Provided, however*, that no preacher of the gospel be employed in this station.

4. *Resolved*, That this man, to be called the director of schools for the ——— school district of the state of Illinois, be entitled to one or more assistants, to be chosen and nominated by himself, for the purpose of assist-



ing him in teaching and educating the scholars of the respective seminaries.

5. *Resolved*, That the annual salary of each of the said directors of schools be not less than fifteen hundred dollars and not more than — dollars, and the annual salary of each of the said assistants not less than seven hundred and not more than — dollars.

6. *Resolved*, That the director of each of the respective school districts be the superintendant of schools for the school district in which this seminary is situated.

7. *Resolved*, That it shall be the duty of the director of each of the respective school districts to examine himself, or have examined by such persons as he, the said director, may choose and expressly appoint for that purpose, all those who intend to keep school in this state, and appear before him declaring this to be their intention and desiring to be examined for that purpose, and to supply them with a certificate of qualification.

8. *Resolved*, That only such school teachers who have been examined by one of the said directors of one of the said school districts, and who have got a certificate of qualification from one of the said directors, be entitled to derive their pay out of the school fund; and that such teachers, who have no such certificate, if employed, to be paid by the employers.

9. *Resolved*, That the said directors of schools shall have to meet (once or twice) every year at the seat of government for the purpose of agreement on subjects and principles of education; the rules for this meeting to be fixed by the legislature.

10. *Resolved*, That the said directors of schools shall receive one dollar per day each of them while assembled for the said purpose, but shall be entitled to the same mileage for travel as will be fixed by this convention to members of the legislature.

11. *Resolved*, That for the meantime and until the financial situation of this state will permit these resolutions to be carried into effect, this convention provide for the best possible means in favor of education.

Mr. Knapp of Scott offered the following:

Whereas the present organization of counties comprises too many distinct departments, too many officers, and too high a rate of fees to support such officers; therefore,

1. *Resolved*, That the committee on Miscellaneous Subjects and Questions be instructed to inquire into the expediency of abolishing the county commissioners' court and the court of probate justice of the peace, and providing, in the amended constitution, for establishing in each county, a court composed of one county judge and two associates; the county judge to be elected quadrennially by the people, to be paid an annual salary out of the county treasury, not to exceed — dollars, nor be less than — dollars, and to range between these sums in proportion to the amount of taxes paid in the county per annum, including poll tax; the associates to be drawn annually from the list of the justices of the peace in the county, whose compensation shall be one dollar per day while in session.

2. Said court to have jurisdiction of all matters now under the control of the commissioners' court.

3. Said court to have the present jurisdiction of the probate justice of



the peace, except ordinary justice's jurisdiction, and such further power as may be given by law in matters of probate.

4. Said court to have jurisdiction in actions of debt and assumpsit to the amount of \$500; in trover, trespass, case, and replevin to the amount of \$100; jurisdiction of misdemeanors, and all appeals from justices of the peace.

5. Said court to have a clerk, who shall be *ex officio* recorder of deeds and evidences of real title, whose compensation shall be fees.

6. Said court to have power to reduce the fees of county officers, by a regular per cent., when the rate fixed by the legislature yields more income to a particular officer than is necessary to afford him adequate compensation.

7. Pleadings in said court in civil cases to be oral.

8. Appeals to lie to the circuit court; trials on appeals to be *de novo*, and when either party wishes to preserve the record in a given case, declarations shall be filed in the circuit court, as though the case was an original case in that court.

9. When it becomes necessary to sell real estate to carry into effect the judgment of said court, transcripts to be taken to the circuit courts in pursuance of legal provisions therefor.

10. Said court, with the associates, to hold sessions quarterly, the president judge to act as probate court during vacations, with power to reserve questions till the regular sessions, where the judgment of the associates is desired.

The question was taken on the adoption of the preamble and resolutions, and decided in the affirmative.

Mr. Williams offered the following:

*Resolved*, That the committee on Counties be instructed to inquire into the expediency of engrafting the following clause into the new constitution:

"All territory which has been, or may be stricken off, by legislative enactment, from any organized county or counties, for the purpose of forming a new county, and shall remain unorganized after the period enacted for such organization to take place, then such territory, so stricken off, shall be and remain a part and portion of the county or counties from which it was originally taken, for all purposes of county and state government, to participate in all the immunities thereof, until otherwise provided by law."

Mr. Singleton moved to amend the resolution by striking out all after the word "place," and inserting in lieu thereof the following:

"Shall be attached for state and county purposes to such county or counties as it shall be connected with for the purpose of forming an election district or districts, until otherwise provided by law.

"*Provided*, the tier of townships on the east side of Highland county be attached to the county of Brown for judicial and election purposes."

Mr. Simpson moved to lay the amendment on the table.

Mr. Singleton moved to lay the whole subject on the table.

Mr. Logan called for a division of the question.

The question was then taken on laying the amendment on the table, and decided in the affirmative.



The question was then taken on laying the resolution on the table, and decided in the negative.

Mr. Hogue moved to amend the resolution by adding thereto the following:

"And that no county seat shall be removed without a majority of two-thirds of all the qualified voters of such county."

On motion of Mr. Thomas,

The amendment was laid on the table.

The question was taken on the adoption of the resolution, and decided in the affirmative.

On motion of Mr. Z. Casey,

The committee of the whole on the resolution offered some days since by Mr. Churchill, with sundry amendments and substitutes proposed in addition, or in lieu thereof, &c., was discharged from the further consideration of the whole subject; and the resolution, with the amendments and substitutes offered successively by Messrs. McCallen, Gregg, Scates, and Edwards of Madison, were all referred to the committee on Incorporations.

On motion of Mr. Kitchell,

*Resolved*, That the committee on Banks and Corporations be instructed to inquire into the expediency of reporting to this convention an article of amendment to the 21st section of article 8th of the constitution, in substance as follows, viz:

After striking out the whole section, insert that

SEC. 21. There shall be no bank or monied institutions in this state, until the act of the general assembly providing therefor, whether the same be a general law for free banking, a special act of incorporation, or otherwise, shall be first submitted to a direct vote of the people, and approved by a majority of the qualified voters of the state at some general election; nor shall the general assembly pass any general law, or special act for banking, or the incorporation of any monied institution, without expressly providing in such law or act the following resolutions, to wit:

1. The stockholders shall be liable in their individual capacity for all the debts of such company or corporation to the amount of their respective proportions of their stock and the debts, and shall, before any issues, pledge and secure to the general assembly, as may be provided by law, ample securities for the redemption of all their paper in specie.

2. All the capital stock shall be first paid in specie, before any issues by said bank.

3. No act shall be passed by the general assembly authorizing or legalizing any suspension of specie payments.

4. All bill holders shall be entitled to preference of payment before all other creditors.

5. Not more than three dollars for one shall ever be issued, nor any bill of a less denomination than ten dollars.

6. Any embezzlement of the funds of the bank shall be felony and punishable by confinement in the penitentiary, in such manner as may be provided by law, and the general assembly shall provide by law for the punishment of all persons who may be in anywise connected with the



management of the bank, for any dishonesty or swindling, either to individuals or the public,

7. Any violation of the terms and provisions of such law or charter shall be a forfeiture, and the company or corporation shall be liable to immediate prosecution therefor by any person, and before any court of competent jurisdiction, in such manner as may be provided by law.

8. No bank bills or bank issues of any kind shall ever be treated or regarded as money, or of any higher dignity or value than the mere liability of the company or corporation issuing them, nor shall any such bank bill, or other issues of banks, ever be receivable in the payment of of any state or county taxes, dues, or demands, nor in payment of dues or demands to the school fund.

SEC. 22. The foregoing section 21 shall be submitted to the people as a separate article of amendment to the constitution, and if the same shall not be ratified and approved by a majority of the qualified voters thereon, then the general assembly shall have no power whatever to create or renew any banks or monied institutions in this state, or to exercise any other powers authorizing or permitting banking in this state.

On motion of Mr. Archer,

*Resolved*, That the committee on Banks and Corporations be instructed to inquire into the expediency of so amending the constitution, upon the subject of banks, as to submit, separately and apart from the constitution, to the people at the same election held for the adoption or rejection of the new constitution, two distinct propositions; the one providing for the entire prohibition of all banks of every name and description whatever in this state, and the other for the incorporation of banks thereafter to be created by the legislature of this state; the charter creating such bank or banks to be submitted to the people at the next general election held after the passage of such charter, and if a majority of all the votes cast at said first election shall be in favor of the clause prohibiting all banks, such clause shall become incorporated into and form a part of the new constitution, and if a majority of all the votes cast at said election shall be in favor of the incorporation of a bank or banks, the next legislature may proceed to incorporate the same; the charter or charters of incorporation to be again submitted to the people at the next general election, and not to take effect until said charter shall have been submitted to and receive a majority of all the votes cast at said election.

Mr. Thomas offered the following:

*Resolved*, That in acting upon propositions to amend, revise, or alter the constitution, the following order of proceeding shall be adopted, viz:

1. The reports of committees proposing alterations or amendments shall be referred to the same committee of the whole, to be acted on as heretofore ordered.

2. The committee of the whole shall not be discharged from the consideration of said reports until the whole shall have been acted on.

3. When said committee shall have acted upon all of the propositions referred, the action shall be reported to the convention, and when so reported, if no amendments are proposed, the question shall be—"Shall the report of the committee be adopted?" or if amendments are proposed, the questions shall be first taken upon such amendments, and if any are adopt-



ed the question shall be upon the adoption of the report as amended, if decided in the affirmative, the said report shall then be ordered to be engrossed, under the direction of the committee of the Revision and Adjustment of the Articles of the Constitution.

4. When the said reports shall be revised and adjusted by said committee it shall be reported to the house, and the same shall then be laid on the table and printed for the use of the members.

5. When the said report is printed it shall be taken up in the convention and read by sections, and amendments proposed shall be acted on in the order of being proposed.

7. When all proposed amendments are acted upon the questions shall then be—"Shall the said reports be enrolled as the constitution of the state of Illinois?" if decided in the affirmative, the said report shall be enrolled by the secretary of the convention, under the direction of the committee of Revision and Adjustment.

8. When the said report shall be enrolled as aforesaid, it shall be reported to the convention, and again read over by sections, and the question shall be upon the adoption of the constitution; if decided in the affirmative, the said report shall then be signed, first by the president, next by the members present, and then attested by the secretary; after which the said constitution shall, in the presence of the convention, be delivered by the president to the secretary of the state of Illinois, for publication and preservation among the archives of the State.

On motion of Mr. Thomas,

The resolution was laid on the table.

On motion of Mr. Z. Casey,

The convention resolved itself into a committee of the whole for the purpose of considering the reports of the committee on the Legislative Department, &c., which had been before referred to such committee—Mr. Woodson in the chair; when the committee proceeded to consider the report on the legislative department.

Mr. Caldwell moved to amend the first section by striking out the words "senate and" and the word "both" in the second line.

The question was taken, and decided in the negative.

Mr. Shumway moved to amend the second section by striking out the word "two" in the third line, and inserting in lieu thereof the word "three."

Mr. Thomas called for a division, so as to take the question first on striking out the word "two."

On motion of Mr. Shumway,

The committee rose, reported progress, and asked leave to sit again; leave was accordingly granted.

On motion of Mr. Edwards of Madison,

Leave of absence was granted to Mr. Constable for ten days, in consequence of sickness in his family.

On motion of Mr. Edmonson,

He was excused from further service on the committee on Incorporations.

On motion of Mr. Logan,

Leave of absence was granted Mr. Eccles for six days.



On motion of Mr. Harvey,

Leave of absence was granted Mr. Edmonson for ten days.

On motion of Mr. Campbell of Jo Daviess,

Leave of absence was granted Mr. Archer for one week.

On motion of Mr. Archer,

Leave of absence was granted Mr. Dunn for one week.

On motion of Mr. Z. Casey,

Leave of absence was granted Mr. Dement for eight days.

On motion of Mr. Woodson,

Leave of absence was granted Mr. Witt for one week.

Mr. Scates forwarded to the chair an invitation from a committee of the Sabbath convention, now in session in this city, requesting the constitutional convention to attend its session this afternoon; which was read.

The president announced an invitation from a committee of the citizens of Sangamon, inviting him, and the body over which he presides, to attend and partake of a barbecue, which the citizens of Sangamon propose to give to the officers and soldiers of the 4th regiment of Illinois volunteers, at Springfield, on the third day of July.

On motion of Mr. Servant,

The invitations were accepted.

On motion,

The convention adjourned to 9 o'clock, to-morrow morning.

### THURSDAY, JULY 1, 1847.

Convention assembled pursuant to adjournment.

Prayer by Rev. Mr. Barger.

The journal of yesterday was read.

Mr. Hoes presented the petition of Charles A. Fellows, and thirty-six others, citizens of Livingston county, praying for the creation of the office of superintendent of public instruction. On his motion, the reading was dispensed with, and the petition referred to the committee on Education.

On motion of Mr. Manly,

The petition presented by him, on the 11th ult., on sundry subjects, was taken from the table, the reading dispensed with, and the petition referred to the committee on Law Reform.

Mr. Whiteside, from the committee on the Militia and Military Affairs, reported that the committee had had under consideration the 5th article of the constitution, and had directed him to recommend the adoption of said article in the revised constitution, without amendment.

On motion of Mr. Whiteside,

The 3d article of the constitution was referred to the committee of the whole.

Mr. Thomas, from the committee on Revenue, to which was referred a resolution providing that the county courts shall have the "exclusive right to cause to be assessed and collected, as shall be provided by law, a tax on sections numbered sixteen," &c., reported the same back, and asked to be discharged from the further consideration thereof.



The question was taken, on discharging the committee, and decided in the affirmative.

Mr. Hayes, from the committee on Law Reform, which was instructed by resolution "to inquire into the expediency of exempting persons having conscientious scruples from serving on juries," &c., reported the same back, and asked to be discharged from the further consideration thereof.

The question was taken on discharging the committee, and decided in the affirmative.

On motion of Mr. Kitchell,

Leave of absence was granted to Mr. Tutt for seven days.

Mr. Campbell of Jo Daviess gave notice that on one week from next Monday, he intended to offer a resolution for the consideration of the convention, which he read in his place, in relation to banks.

Mr. Knowlton offered the following:

*Resolved*, That the committee on Elections and the Right of Suffrage inquire into the expediency of so amending the constitution as to require for a qualification to the election of county officers, that every person voting for county officers shall have resided in the county where he shall vote three months next preceding the election for such county officers.

Mr. Singleton moved to amend the resolution by striking out the word "three," and inserting in lieu thereof the word "twelve."

The question was taken on agreeing to the amendment, and decided in the negative.

The question was taken on the adoption of the resolution, and decided in the affirmative.

Mr. Hawley offered the following:

Whereas humanity and philanthropy should ever characterize state governments; and whereas, we have among us in this state the lunatic, the deaf and dumb, and the blind, proper subjects for the exercise of humane principles; therefore,

*Resolved*, That this subject be referred to a special committee, whose duty it shall be to inquire into the expediency of making some constitutional provision authorizing the legislature to provide means for the amelioration of this unfortunate portion of community.

Mr. Harding moved to amend the first resolution by inserting after the word "blind" the words "and black."

On motion of Mr. Thomas,

The amendment was laid on the table.

Mr. Scates moved to insert after the word "blind," in the first resolution, the words "and insane."

On motion of Mr. Adams,

The whole subject was laid on the table.

Mr. Wead offered the following:

*Resolved*, That the committee on Miscellaneous Subjects and Questions, inquire into the expediency of providing in the new constitution for fixing the seat of government permanently at Peoria.

On motion of Mr. Adams,

The resolution was laid on the table.

On motion of Mr. Davis of Montgomery,

*Resolved*, That the committee on Banks and Incorporations, inquire in-



to the expediency of so amending the constitution as to forever prevent the state from chartering a bank in which she shall be, either directly or indirectly, concerned as stockholder or proprietor.

On motion of Mr. Hogue,

The convention again resolved itself into a committee of the whole on the report of the committee on the Legislative Department, which was under consideration yesterday—Mr. Woodson in the chair.

The question pending before the same committee, at its rising on yesterday, was upon striking out the word "two," in the second section; which question was taken, and decided in the negative.

Mr. Armstrong moved to strike out the word "October," in the second and third lines of the second section, and insert in lieu thereof the word "November."

Mr. Robbins called for a division of the question.

The question was taken on striking out the word "October," and decided in the affirmative.

The question was taken on inserting the word "November," and decided in the affirmative.

Mr. Rountree moved to add after the word "eight," in the second line of the second section, and at the end of the second section, the words "and continue two days."

The question was taken on agreeing to the amendment, and decided in the negative.

Mr. Sharpe moved to strike out the word "eight," in the second line of the second section, and insert in lieu thereof the word "nine."

The question was taken, and decided in the negative.

Mr. Robbins moved to amend the second section by inserting after the word "therein," in the fourth line, the words "and for such length of time."

The question was taken on agreeing to the amendment, and decided in the negative.

Mr. Marshall of Mason moved to amend the third section by striking out, in the second line, after the word "States," the words "and an inhabitant of this state."

The question was taken on agreeing to the amendment, and decided in the negative.

Mr. Campbell of Jo Daviess moved to amend the third section by striking out the word "five," in the first line, and inserting in lieu thereof the word "one."

The question was taken on agreeing to the amendment, and decided in the negative.

Mr. Singleton moved to amend the third section by inserting after the word "resided," in the third line, the words "five years in the state, and."

The question was taken on agreeing to the amendment, and decided in the negative.

Mr. Dawson moved to amend the fourth section by striking out the word "thirty," in the first line, and inserting in lieu thereof the word "forty."

Mr. Whitney called for a division of the question.



The question was then taken on striking out the word "thirty," and decided in the negative.

On motion of Mr. Shumway,

The fourth section was amended by inserting after the word "states," in the second line, the words "and an inhabitant of this state."

On motion of Mr. Singleton,

The fourth section was further amended by inserting after the word "resided," in the second line, the words "five years in the state, and."

Mr. Hay moved to amend the fourth section by inserting after the word "thirty," in the first line, the word "five."

The question was taken on agreeing to the amendment, and decided in the negative.

Mr. Singleton moved to reconsider the vote taken on his motion to amend the third section; which motion lies over one day under the rules.

Mr. Harvey moved to amend the sixth section by striking out the words "never to be increased nor diminished," in the second line.

The question was taken on striking out, and decided in the negative.

Mr. McCallen moved to amend the sixth section by striking out the word "five," in the first line.

The question was taken and decided in the negative.

Mr. Hogue moved to amend the sixth section by striking out the word "five," in the second line.

The question was taken, and decided in the negative.

Mr. Harding moved to amend the sixth section by striking out the words "seventy-five members, never to be increased nor diminished," in the second line, and insert in lieu thereof the words "one member from each county."

On motion of Mr. Geddes,

The committee rose, reported progress, and asked leave to sit again; leave was accordingly granted.

On motion,

The convention adjourned until 3 o'clock, p. m.

THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

On motion of Mr. Z. Casey,

The convention resolved itself into a committee of the whole, again to consider the report of the committee on the Legislative Department—Mr. Woodson in the chair.

The question pending before the committee when it rose, was on the motion made by Mr. Harding this morning, proposing to strike out the words "seventy-five members" &c., in the second line of the sixth section.

Mr. Hay moved to postpone the further consideration of the sixth section for the present.

The question was taken, and decided in the negative.



The question was then taken on Mr. Harding's motion, and decided in the negative.

Mr. Harvey moved to amend the same section by inserting after the word "representatives," in the fourth line, the words "by the legislature."

The question was taken on agreeing to the amendment, and decided in the negative.

Mr. Church moved to amend the same section by inserting after the word "diminished," in the second line, the words "until the year 1860."

Mr. Hill moved to amend the amendment proposed by Mr. Church, as follows:

Strike out the words "never to be increased nor diminished," and insert in lieu thereof the following:

"Not to be increased nor diminished until the year 1850, at which time the legislature shall have power to add one member to the house of representatives, for every addition to the present population of ten thousand, and one senator for every increase of thirty thousand, until the year 1860, after which one member may be added to the house of representatives for every twenty thousand additional population, and one senator for every sixty thousand."

The question was taken on agreeing to the substitute, and decided in the negative.

Mr. Kinney of Bureau moved to amend the amendment proposed by Mr. Church, by inserting after the word "diminished," in the second line, the words, "until after the year 1860, nor until the punctual payment of the annual interest of the state debt shall have been fully provided for—nor at any time thereafter shall the number of members exceed thirty-three in the senate and one hundred in the house of representatives."

The question was taken on agreeing to the substitute, and decided in the negative.

Mr. Palmer of Macoupin moved to amend the amendment proposed by Mr. Church, by inserting after the word "diminished," in the second line, the words "until the population of this state shall exceed one million of souls, and may then be increased to one hundred members in the house of representatives."

The question was taken on agreeing to the proposed substitute, and decided in the affirmative.

On motion of Mr. Servant,

The amendment, as amended, was further amended by striking out the word "one," and inserting the word "two" in lieu thereof.

Mr. Thomas moved to amend the amended amendment, by adding thereto the following:

"But such increase shall not exceed five at any apportionment which may be made."

The question was taken on agreeing thereto, and decided in the negative.

Mr. Laughlin moved the following as a substitute for the amended amendment:

"Until after the year 1860, when the legislature may increase the number of representatives to one hundred."



The question was taken on agreeing thereto, and decided in the negative.

Mr. Deitz moved the following as a substitute for the amended amendment:

“Until the population of the state shall amount to one million of souls, when five members may be added to the house, and five additional members for every five hundred thousand inhabitants thereafter, until the whole number of representatives shall amount to one hundred, after which the number shall neither be increased nor diminished.

Mr. Singleton moved that the committee rise, report progress, and ask leave to sit again.

The question was taken, and decided in the negative.

The question was taken on agreeing to the substitute, and decided in the affirmative.

The question was then taken on agreeing to the amendment as amended, and decided in the affirmative.

On motion of Mr. Whitney,

The convention rose, reported progress, and asked leave to sit again; leave was accordingly granted.

On motion of Mr. Sharpe,

Leave of absence was granted to Mr. Choate for six days.

On motion of Mr. Singleton,

Leave of absence was granted to Mr. Marshall of Mason for five days.

Mr. Campbell of McDonough offered the following:

*Resolved*, That no member of this convention shall receive his per diem pay for time not given by him in this convention, except in cases of sickness.

Mr. Ballingall moved to amend the resolution by adding the word “hereafter” after the word “them.”

Mr. Scates moved to lay the resolution and amendment on the table, and the vote being taken by yeas and nays,

It was decided in the negative,	{	Yeas, . . . . .	48
		Nays, . . . . .	80

Those voting in the affirmative, are,

Mr. Akin	Mr. Dunsmore	Mr. Manly
Anderson	Edwards of Madison	Marshall of Coles
Armstrong	Geddes	Marshall of Mason
Blair	Green of Tazewell	Mieure
Blakely	Hatch	Miller
Ballingall	Hawley	Minshall
Boshyshell	Henderson	Moore
Butler	Hoes	Pace
Canady	Holmes	Pinckney
Carter	Hurlbut	Scates
Cloud	Jackson	Sharpe
Davis of Montgomery	James	Servant
Davis of McLean	Jones	Singleton
Dawson	Knapp of Jersey	Smith of Gallatin
Dunmer	Lander	Vance
Dunlap	McClure	Webber.



Those voting in the negative, are,

Mr. Adams	Mr. Judd	Mr. Rives
Allen	Kreider	Robbins
Atherton	Kenner	Robinson
Brockman	Kinney of Bureau	Roman
Bunsen	Kinney of St. Clair	Rountree
Crain	Kitchell	Stadden
Campbell of McDonough	Knowlton	Swan
F. S. Casey	Knox	Shields
Z. Case	Lasater	Spencer
Cross of Woodford	Laughlin	Sibley
Church	Lemon	Sim
Dale	Lockwood	Simpson
Deitz	Logan	Shumway
Evey	McCallen	Thomas
Frick	McCully	Thornton
Graham	McHatton	Trower
Harding	Markley	Turnbull
Harlan	Mason	Turner
Harper	Matheny	Tuttle
Harvey	N. offett	Vernor
Hay	Morris	West
Hayes	Northcott	Williams
Hill	Norton	Whiteside
Hogue	Oliver	Whitney
Hunsaker	Palmer of Macoupin	Woodson
Huston	Palmer of Marshall	Worcester.
Jenkins	Peters	

On motion,

The convention adjourned to to-morrow morning at nine o'clock.

## FRIDAY, JULY 2, 1847.

The convention assembled pursuant to adjournment.

Prayer by Rev. Mr. Bailey.

The journal of yesterday was read.

On motion of Mr. Scates,

Leave of absence was granted Mr. Canady for eight days, in consequence of sickness in his family.

On motion of Mr. Knowlton,

Leave of absence was granted to Mr. Lander for four days, in consequence of sickness in his family.

On motion of Mr. Allen,

Leave of absence was granted to Mr. Pace for one week.

The question pending when the convention adjourned on yesterday was on inserting the word "hereafter" after the word "them." in a resolution offered by Mr. Campbell of McDonough, in relation to the payment of absentees.

Mr. Ballingall withdrew the amendment.

Mr. Geddes moved to amend the resolution by striking out all after the word "resolved," and inserting in lieu thereof the following:

"That it is unjust to pay any person for labor he does not perform, because many have got leave of absence heretofore under the impression



drawing pay, let all be treated with equity; *Provided, however*, that for the future no member of this convention shall get leave of absence, except in cases of sickness of themselves or families."

On motion of Mr Thomas,

The substitute was laid on the table.

There being no quorum present,

On motion of Mr. Z. Casey,

A call of the convention was ordered.

The call having been proceeded in for some time, and a quorum appearing,

On motion of Mr. Z. Casey,

The call was dispensed with.

Mr. Butler moved to amend the resolution by striking out all after the word "resolved," and inserting in lieu thereof the following:

"That each member of this convention give in the number of days of his attendance upon honor, including the number of days he has been absent by leave or on account of sickness, and those he has actually attended in this convention, and the same be certified by the president."

Mr. Campbell of McDonough accepted the proposed substitute as a modification of the original resolution.

Mr. Singleton moved to amend the modified resolution by striking out all after the word "resolved," and insert in lieu thereof the following:

"That each member give in the number of days for which he is entitled to pay, and the president certify the same."

Mr. Whitney moved to lay the whole subject on the table; which was taken by yeas and nays,

And decided in the negative,	{ Yeas,	. . . . .	59
	{ Nays,	. . . . .	70

Those voting in the affirmative, are,

Mr. Akin	Mr. Farwell	Mr. Miller
Anderson	Graham	Minshall
Armstrong	Geddes	Moore
Blair	Green of Jo Daviess	Northcott
Ballingall	Hatch	Palmer of Macoupin
Boshyshell	Hawley	Peters
Crain	Henderson	Pinckney
Canady	Hoes	Robinson
Caldwell	Holmes	Scates
Campbell of Jo Daviess	Hurlbut	Stadden
Carter	Jackson	Swan
Cross of Winnebago	James	Sharpe
Cloud	Jones	Servant
Church	Kinney of Bureau	Singleton
Churchill	Knowlton	Smith of Macon
Dawson	Laughlin	Thomas
Dummer	Lemon	Vance
Dunlap	McClure	Webber
Dunsmore	Marshall of Coles	Whitney.
Edwards of Madison	Mieure	



Those voting in the negative, are,

Mr. Adams	Mr. Hunsaker	Mr. Rives
Allen	Huston	Robbins
Atherton	Jenkins	Roman
Blakely	Judd	Rountree
Brockman	Kreider	Shields
Bunsen	Kenner	Spencer
Butler	Kinney of St. Clair	Sibley
Campbell of McDonough	Knox	Sim
F. S. Casey	Lasater	Simpson
Z. Casey	Linley	Smith of Gallatin
Davis of Montgomery	Lockwood	Shumway
Davis of Massac	Logan	Thompson
Deitz	McCallen	Thornton
Edwards of Sangamon	McCully	Trower
Evey	Markley	Turnbull
Frick	Mason	Turner
Harding	Matheny	Tuttle
Harlan	Moffett	Vernor
Harper	Morris	West
Harvey	Norton	Williams
Hay	Oliver	Whiteside
Hayes	Palmer of Marshall	Woodson
Hill	Powers	Worcester.
Hogue		

Mr. Bosbyshell moved the following as a substitute for the amendment: "That if any member of this convention is absent from prayers in the morning he shall be docked in his per diem allowance twenty-five cents; if absent during the reading of the journal ten cents; if absent during the time any member shall make a speech, two dollars; if absent during the time of offering any resolution, thirty-seven and a half cents; if absent during the taking of the votes by yeas and nays, five dollars."

On motion of Mr. Harding,

The previous question was ordered.

The question was taken on agreeing to the substitute for the amendment, and decided in the negative.

Mr. Worcester moved that the convention adjourn until Monday morning at nine o'clock.

The question was then taken, by yeas and nays, on the motion to adjourn,

And decided in the negative,	{ Yeas,	: : : : : 8
	{ Nays,	: : : : : 122

Those voting in the affirmative, are,

Mr. Brown	Mr. Hurlbut	Mr. West
Campbell of Jo Daviess	Jenkins	Worcester.
Green of Jo Daviess	Miller	

Those voting in the negative, are,

Mr. Adams	Mr. Atherton	Mr. Bosbyshell
Akin	Blair	Bunsen
Allen	Blakely	Butler
Anderson	Ballingall	Crain
Armstrong	Brockman	Canady



Mr. Caldwell	Mr. Holmes	Mr. Palmer of Marshall
Campbell of McDonough	Hunsaker	Peters
Carter	Huston	Pinckney
F. S. Casey	Jackson	Powers
Zadek Casey	James	Rives
Cross of Winnebago	Jones	Robbins
Cloud	Judd	Robinson
Church	Kreider	Roman
Churchill	Kenner	Rountree
Davis of Montgomery	Kinney of Bureau	Scates
Davis of Massac	Kinney of St. Clair	Stadden
Dawson	Knowlton	Swan
Deitz	Knox	Sharpe
Dummer	Lasater	Shields
Dunlap	Laughlin	Spencer
Dunsmore	Lemon	Servant
Edwards of Madison	Linley	Sibley
Edwards of Sangamon	Lockwood	Sim
Evey	Logan	Simpson
Farwell	Loudon	Singleton
Frick	McCallen	Smith of Gallatin
Graham	McCully	Shumway
Geddes	McClure	Thomas
Green of Tazewell	Markley	Thornton
Harding	Marshall of Coles	Trower
Harlan	Mason	Turnbull
Harper	Matheny	Turner
Harvey	Mieure	Tuttle
Hatch	Minshall	Vance
Hawley	Moffett	Vernor
Hay	Moore	Wead
Hayes	Morris	Williams
Henderson	Northcott	Whiteside
Hill	Norton	Whitney
Hoes	Oliver	Woodson.
Hogue	Palmer of Macoupin	

The question was then taken on agreeing to the amendment, and decided in the negative.

The question was then taken, by yeas and nays, on adopting the modified resolution,

And decided in the affirmative, { Yeas, : : : : 104  
Nays, : : : : 27

Those voting in the affirmative, are,

Mr. Adams	Mr. Cross of Winnebago	Mr. Harvey
Allen	Cloud	Hay
Armstrong	Church	Hayes
Atherton	Churchill	Henderson
Blair	Davis of Montgomery	Hill
Blakely	Davis of Massac	Hoes
Ballingall	Dawson	Hogue
Brockman	Deitz	Hunsaker
Bosbyshell	Edwards of Sangamon	Huston
Bunsen	Evey	Jenkins
Butler	Farwell	Jones
Crain	Frick	Judd
Canady	Graham	Kreider
Caldwell	Geddes	Kenner
Campbell of McDonough	Green of Tazewell	Kinney of Bureau
F. S. Casey	Harding	Kinney of St. Clair
Z. Casey	Harper	Knowlton



Mr. Knox	Mr. Norton	Mr. Simpson
Lasater	Oliver	Smith of Gallatin
Laughlin	Palmer of Marshall	Smith of Macon
Leimon	Peters	Shumway
Linley	Pinckney	Thomas
Lockwood	Powers	Thornton
Logan	Rives	Trower
London	Robbins	Turnbull
McCallen	Robinson	Turner
McCully	Roman	Tuttle
Markley	Rountree	Vance
Mason	Scates	Vernor
Matheny	Stadden	West
Mieure	Swan	Williams
Moffett	Shields	Whiteside
Moore	Spencer	Woodson
Morris	Sibley	Worcester.
Northcott	Sim	

Those voting in the negative, are,

Mr. Akin	Mr. Green of Jo Daviess	Mr. Marshall of Coles
Anderson	Harlan	Miller
Brown	Hatch	Minshall
Campbell of Jo Daviess	Hawley	Palmer of Macoupin
Cart-r	Holmes	Sharpe
Dummer	Hurlbut	Servant
Dunlap	Jackson	Singleton
Dunsmore	James	Wead
Edwards of Madison	McClure	Whitney.

Mr. Butler offered the following:

Whereas incorporations, clothed with exclusive powers and privileges, are contrary to the spirit and fundamental principles of our republican institutions, oppressive to the best interests of the people at large, and tend to unequal, unjust and oppressive monopolies; making the rich richer and the poor poorer; and whereas by such monopolies and exclusive privileges, the capitalist is enabled to control the particular branch of business in which he may engage, and conduct the same to the exclusion of the truly worthy and deserving, making wealth predominate over merit, virtue and integrity; and whereas the chartering by law, and protecting incorporations in the exercise of such exclusive, unequal, and unjust powers and privileges tends to the concentration of capital and the business of the country in the hands of the few, and to the establishment of an aristocracy of wealth, and to the subjection of the many to mere dependants and servile operators; therefore,

*Resolved*, That the committee on Incorporations be instructed to inquire into the expediency of prohibiting the legislature from hereafter creating any companies, associations, or corporations, by special act, with exclusive powers and privileges, except for municipal purposes, and except in such cases, where the objects of such association, company or incorporation cannot be accomplished under the provisions of a general law which may apply equally to all persons.

Mr. Logan called for a division, so as to vote first on the adoption of the resolution.

The question was taken on the adoption of the resolution, and decided in the affirmative.



Mr. McCallen moved to lay the preamble on the table, and the question being taken, by yeas and nays,

It was decided in the negative,	{ Yeas,	:	:	:	64
	{ Nays,	:	:	:	67

Those voting in the affirmative, are,

Mr. Adams	Mr. Jackson	Mr. Pinckney
Atherton	Jones	Rives
Blakely	Judd	Robinson
Canady	Kenner	Swan
Cross of Winnebago	Kinney of Bureau	Sharpe
Church	Knowlton	Spencer
Dawson	Knox	Servant
Deitz	Lemon	Sibley
Dummer	Lockwood	Singleton
Dunlap	Logan	Smith of Macon
Dunsmore	Loudon	Thomas
Edwards of Madison	McCallen	Thornton
Edwards of Sangamon	Marshall of Coles	Trower
Graham	Mason	Turnbull
Geddes	Matheny	Turner
Green of Tazewell	Mieure	Tuttle
Harding	Miller	Vance
Harlan	Minshall	West
Harper	Northcott	Williams
Hay	Norton	Whitney
Holmes	Palmer of Marshall	Woodson.
Hurlbut		

Those voting in the negative, are,

Mr. Akin	Mr. Evey	Mr. McClure
Allen	Farwell	Markley
Anderson	Frick	Moffett
Armstrong	Green of Jo Daviess	Moore
Blair	Harvey	Morris
Ballingall	Hatch	Oliver
Brockman	Hawley	Palmer of Macoupin
Bosbyshell	Hayes	Powers
Brown	Henderson	Robbins
Bunsen	Hill	Roman
Butler	Hoes	Rountree
Crain	Hogue	Scates
Caldwell	Hunsaker	Stadden
Campbell of Jo Daviess	Huston	Shields
Campbell of McDonough	James	Sim
Carter	Jerkins	Simpson
F. S. Casey	Kreider	Smith of Gallatin
Z. Casey	Kinney of St. Clair	Shunway
Cross of Woodford	Lasater	Vernor
Cloud	Laughlin	Weat
Churchill	Linley	Whiteside
Davis of Montgomery	McCully	Worcester.
Davis of Massac		

Mr. Churchill moved to add the following to the preamble, to be inserted after the first two words thereof:

"For specific objects, by which all have not the privilege of incorporating themselves for the same object, and."

On motion of Mr. Logan,



The further consideration of the whole subject was postponed until one week from next Monday.

Mr. Shumway offered the following:

*Resolved*, That the committee on Banks and Incorporations be instructed to report a clause to be inserted in the constitution, prohibiting the establishment of a branch or branches of a United States Bank in this state.

Mr. Vance moved to adjourn until three o'clock, P. M.

Mr. Brown moved to adjourn until Tuesday next.

Mr. Atherton moved to adjourn until one week from next Monday.

Mr. Whitney moved to adjourn until Monday.

The question was taken on the motion to adjourn until one week from next Monday, and decided in the negative.

The question was taken, by yeas and nays, on the motion to adjourn until Tuesday,

And decided in the negative,	{ Yeas, . . . . .	4
	{ Nays, . . . . .	128

Those voting in the affirmative, are,

Mr. Brown  
Campbell of Jo Daviess

Mr. Miller

Mr. West.

Those voting in the negative, are,

Mr. Adams

Mr. Evey

Mr. Laughlin

Akin

Farwell

Lemon

Allen

Frick

Linley

Anderson

Graham

Lockwood

Armstrong

Geddes

Logan

Atherton

Green of Jo Daviess

Loudon

Blair

Green of Tazewell

McCallen

Blakely

Harding

McCully

Ballingall

Harlan

McClure

Brockman

Harper

Markley

Bosbyshell

Harvey

Marshall of Coles

Bunsen

Hatch

Mason

Butler

Hawley

Matheny

Crain

Hay

Mieure

Canady

Hayes

Minshall

Caldwell

Henderson

Moffett

Campbell of McDonough

Hill

Moore

Carter

Hoes

Morris

F. S. Casey

Hogue

Northcott

Z. Casey

Holmes

Norton

Cross of Winnebago

Hunsaker

Oliver

Cross of Woodford

Hurlbut

Palmer of Macoupin

Cloud

Huston

Palmer of Marshall

Church

Jackson

Peters

Churchill

James

Pinckney

Davis of Montgomery

Jenkins

Powers

Davis of Massac

Jones

Rives

Dawson

Kreider

Robbins

Deitz

Kenner

Robinson

Dummer

Kinney of Bureau

Roman

Dunlap

Kinney of St. Clair

Rountree

Dunsmore

Knowlton

Scates

Edwards of Madison

Knox

Stadden

Edwards of Sangamon

Lasater

Sharpe



Mr. Shields

Spencer

Servant

Sibley

Sim

Simpson

Singleton

Smith of Gallatin

Smith of Macon

Mr. Shumway

Thomas

Thornton

Trower

Turnbull

Turner

Tuttle

Vance

Mr. Vernor

Wead

Webber

Williams

Whiteside

Whitney

Woodson

Worcester.

The question was then taken, by yeas and nays, on adjourning until—  
Monday,

And decided in the negative, { Yeas, . . . . . 7  
  { Nays, . . . . . 121

Those voting in the affirmative, are,

Mr. Anderson

Brown

Green of Jo Daviess

Mr. Jackson

Vance

Mr. Whitney

Worcester.

Those voting in the negative, are,

Mr. Adams

Akin

Allen

Armstrong

Atherton

Blair

Ballingall

Brockman

Bosbyshell

Bunsen

Butler

Crain

Canady

Caldwell

Campbell of Jo Daviess

Campbell of McDonough

Carter

F. S. Casey

Z. Casey

Cross of Winnebago

Cross of Woodford

Cloud

Church

Churchill

Davis of Montgomery

Davis of Massac

Dawson

Dritz

Dummer

Dunlap

Dunsmore

Edwards of Madison

Edwards of Sangamon

Evey

Farwell

Frick

Graham

Geddes

Green of Tazewell

Harding

Harlan

Mr. Harper

Harvey

Hatch

Hawley

Hay

Hayes

Henderson

Hoes

Hogue

Holmes

Hunsaker

Hurlbut

Huston

James

Jones

Judd

Kreider

Kenner

Kinney of Bureau

Kinney of St. Clair

Knowlton

Knox

Lasater

Laughlin

Lemon

Liuley

Lockwood

London

McCallen

McCully

McClure

Markley

Marshall of Coles

Mason

Matheny

Mieure

Miller

Minshall

Noffett

Moore

Mr. Morris

Northcott

Norton

Oliver

Palmer of Macoupin

Palmer of Marshall

Peters

Pinckney

Powers

Rives

Robbins

Robinson

Roman

Rountree

Scates

Stadden

Swan

Sharpe

Shields

Spencer

Servant

Sibley

Sim

Simpson

Singleton

Smith of Gallatin

Smith of Macon

Shumway

Thomas

Thornton

Trower

Turnbull

Turner

Tuttle

Vernor

Wead

West

Williams

Whiteside

Woodson.



The question was then taken on the motion to adjourn until three o'clock, P. M., and decided in the negative.

Mr. Deitz moved to amend the resolution by adding thereto the following:

"Without first obtaining leave from the state legislature."

Mr. Shumway moved to lay the amendment on the table.

Mr. Moffett moved to lay the whole subject on the table until one week from next Monday.

Mr. Shumway called for a division of the question.

The question was then taken on laying the amendment on the table, and decided in the affirmative.

The question was then taken on laying the resolution on the table until one week from next Monday, and decided in the affirmative.

Mr. Singleton offered the following:

*Resolved*, That the members of this convention shall not be entitled to paper, pens, and ink at the expense of the state, for their private use, nor shall any member be entitled to any compensation for parts of days' service in this convention, but the day shall be lost to those rendering less than eight hours service each day; nor shall any member quit the hall for a longer period than twenty minutes, while the convention is in session, without leave of the president, and an absence of more than twenty minutes shall be considered a day.

On motion of Mr. Thomas,

The resolution was laid on the table, by yeas and nays, {Yeas, 76  
Nays, 48

Those voting in the affirmative, are,

Mr. Adams	Mr. Hayes	Mr. Palmer of Marshall
Akin	Hill	Peters
Anderson	Hogue	Pinckney
Brown	Holmes	Powers
Bunsen	Hunsaker	Robbins
Butler	Huston	Roman
Canady	Jackson	Rountree
Z. Casey	Jones	Scates
Cross of Winnebago	Kenner	Swan
Cloud	Kinney of Bureau	Sharpe
Church	Knox	Spencer
Churchill	Laughlin	Servant
Davis of Massac	Lockwood	Sibley
Deitz	Logan	Sim
Dummer	Loudon	Smith of Macon
Dunsmore	McCully	Thomas
Edwards of Madison	McClure	Turnbull
Edwards of Sangamon	Markley	Turner
Evey	Mienre	Tuttle
Graham	Miller	Vance
Green of Tazewell	Moffett	Vernor
Harding	Moore	West
Harlan	Northcott	Williams
Harper	Norton	Woodson
Hatch	Palmer of Macoupin	Worcester.
Hay		



Those voting in the negative, are,

Mr. Allen	Mr. Frick	Mr. McCallen
Armstrong	Geddes	Marshall of Coles
Atherton	Harvey	Mason
Blair	Hawley	Matheny
Blakely	Henderson	Minshall
Ballingall	Hoes	Oliver
Brockman	Hurlbut	Rives
Bosbyshell	James	Robinson
Crain	Jenkins	Stadden
Caldwell	Judd	Shields
Campbell of Jo Daviess	Kreider	Singleton
Carter	Kinney of St. Clair	Smith of Gallatin
F. S. Casey	Knowlton	Thornton
Dawson	Lasater	Trower
Dunlap	Lemon	Wead
Farwell	Linley	Whitese.

Mr. Hill offered the following:

*Resolved by this convention*, that the standing hours of adjournment shall be eight o'clock, A. M., and two o'clock, P. M., each day, (Sundays excepted,) until the final adjournment of this convention.

Mr. Campbell of Jo Daviess moved to amend the resolution by adding thereto the following:

"And that in computing the number of days for which each delegate shall receive pay, Sundays shall not be included."

Mr. Geddes moved that the convention adjourn until three o'clock,

P. M.

The question was taken, and decided in the negative.

Mr. Hayes moved that the convention adjourn until two o'clock, P. M.

The question was taken, and decided in the negative.

Mr. Hogue moved to lay the whole subject on the table.

Mr. Campbell of Jo Daviess called for a division of the question.

The question was then taken, by yeas and nays, on laying the amendment on the table,

And decided in the affirmative,	{ Yeas,	:	:	:	62
	{ Nays,	:	:	:	59

Those voting in the affirmative, are,

Mr. Akin	Mr. Green of Tazewell	Mr. Lockwood
Blair	Harlan	McClure
Ballingall	Hawley	Marshall of Coles
Brockman	Hay	Mienre
Bosbyshell	Hayes	Miller
Brown	Henderson	Minshall
Bruen	Hill	Moore
Butler	Hogue	Morris
Campbell of McDonough	Holmes	Northeott
Church	Huston	Norton
Dawson	Jackson	Palmer of Macoupin
Dummer	Jones	Peters
Dunsmore	Kenner	Robinson
Edwards of Madison	Kinney of Bureau	Roman
Frick	Laughlin	Scates
Graham	Lemon	Swan
Geddes	Linley	Sharpe



Mr. Servant	Mr. Turner	Mr. West
Smith of Macon	Vance	Woodson
Thomas	Vernor	Worcester.
Trower	Webber	

Those who voted in the negative, are,

Mr. Adams	Mr. Harper	Mr. Moffett
Allen	Harvey	Oliver
Anderson	Hatch	Palmer of Marshall
Armstrong	Hoes	Powers
Atherton	Hunsaker	Rives
Crain	Hurlbut	Robbins
Canady	James	Rountree
Caldwell	Jenkins	Stadden
Campbell of Jo Daviess	Judd	Shields
Carter	Kreider	Spencer
F. S. Casey	Kinney of St. Clair	Sibley
Z. Casey	Knowlton	Sim
Cross of Winnebago	Knox	Singleton
Cloud	Lasater	Smith of Gallatin
Churchill	Logan	Thornton
Deitz	McCallen	Turnbull
Dunlap	McCully	Tuttle
Edwards of Sangamon	Markley	Wead
Green of Jo Daviess	Mason	Whiteside.
Harding	Matheny	

The question was then taken on laying the resolution on the table, and decided in the affirmative.

Mr. Servant offered the following:

*Resolved*, That in view of the celebration of the anniversary of American independance, and the reception of the heroes of Buena Vista, and Cerro Gordo, on to-morrow, that, when this convention adjourns, it will adjourn to meet on Monday next, at 9 o'clock.

On motion of Mr. Campbell of McDonough,

The resolution was laid on the table until 3 o'clock, P. M.

On motion of Mr. Laughlin,

The convention adjourned until three o'clock, P. M.

### THREE O'CLOCK, P. M.

The convention assembled pursuant to adjournment.

On motion of Mr. Geddes,

The resolution laid on the table at the adjournment was taken up.

Mr. Thomas moved that the convention adjourn until Monday morning at nine o'clock.

The question was taken, and decided in the negative.

The question was then taken on the adoption of the resolution, and decided in the affirmative.

Mr. Brown moved that the convention adjourn.

The question was taken, and decided in the negative.

On motion of Mr. Edwards of Sangamon,

The use of the representative's hall was granted to Mrs. Browne and daughters for to-morrow evening, to give a complimentary concert to the Illinois volunteers.



On motion of Mr. Logan,

The convention again resolved itself into a committee of the whole, and resumed the consideration of the report of the committee on the Legislative Department, which was under consideration in said committee on yesterday—Mr. Z. Casey in the chair.

Mr. Harding moved to amend the sixth section by inserting after the word "districts," in the fourth line, the words "and no county shall be entitled to more than one representative."

The question was taken on agreeing to the amendment, and decided in the negative.

Mr. Harding moved further to amend by inserting after the word "apportioned," in the second line of the same section, the words "so that no election district shall be enlarged unless the fraction of the ratio of population, shall extend over one-third of the ratio, nor then, but by contiguous territory."

The question was taken on agreeing to the amendment, and decided in the negative.

Mr. Hayes moved further to amend by inserting after the words "as herein provided for," in the third line of the same section, the words "in all future apportionments, when more than one county shall be thrown into a representative district, all the representatives to which said counties may be entitled shall be elected by the entire district."

The question was taken on agreeing thereto, and decided in the affirmative.

Mr. Scates moved further to amend by striking out the words "twenty," in the first line, and "seventy," in the second line, and insert in lieu thereof the words "thirty" and "sixty."

Mr. Palmer of Macoupin called for a division.

The question was taken on striking out, and decided in the negative.

Mr. Thomas moved to amend the seventh section by striking out in the first and second lines, the words, "January, one thousand eight hundred and forty-nine," and insert "December, one thousand eight hundred and forty-eight."

The question was taken on agreeing thereto, and decided in the negative.

Mr. Edwards of Sangamon moved to amend the seventh section by adding thereto the words "and shall not continue in session for a longer period than sixty days."

Mr. Brockman moved to amend the amendment by adding thereto the following:

"But the governor shall have power to prolong the session, if in his opinion the interest of the public demand the same."

The question was taken on agreeing to the amendment to the amendment, and decided in the negative.

The question was taken on agreeing to the amendment, and decided in the negative.

Mr. Lemon moved to amend the eighth section by striking out the words "the speaker of the senate excepted," in the second line.

The question was taken on agreeing thereto, and decided in the negative.



Mr. Sibley moved further to amend by striking out all after the word "choose," in the first line, to the word "each," and to insert in lieu thereof the following:

"Their own officers; the senate shall choose a temporary speaker when the lieutenant governor shall not attend as speaker, or shall act as governor."

The question was taken on agreeing thereto, and decided in the negative.

Mr. Wead moved further to amend by striking out the words "two thirds of," in the third line of the same section.

The question was taken on agreeing thereto, and decided in the negative.

Mr. Graham moved further to amend by striking out the word "two," in the second line of the ninth section.

The question was taken on agreeing thereto, and decided in the negative.

Mr. McCallen moved to amend the 10th section by striking out the word "two," in the first line, and insert "five" in lieu thereof.

A division being called for, the question was taken on striking out, and decided in the negative.

Mr. Sibley moved to amend the eleventh section by striking out the words "two-thirds," in the second line, and insert in lieu thereof the words "a majority."

The question was taken on agreeing thereto, and decided in the negative.

On motion of Mr. Vance,

The eleventh section was amended by inserting after the words "two thirds," in the second line, the words "of all the members elected."

On motion of Mr. Palmer of Macoupin,

The eleventh section was amended by adding thereto the words following:

"And the reason for such expulsion shall be entered upon the journal with the names of the members voting for the same."

Mr. Servant moved to amend section 13th by inserting after the word "and," in the second line, the words "during one day for every twenty miles necessary travel."

The question was taken on agreeing thereto, and decided in the negative.

Mr. Kenner moved to amend the sixteenth section by adding thereto the following:

"And no bill shall become a law without the concurrence of a majority of all the members elect in both houses."

The question was taken on agreeing thereto, and no quorum voting.

The committee rose, and reported that fact to the convention by the chairman.

On motion of Mr. Logan,

Ordered, That the committee have leave to sit again on Monday next.

On motion of Mr. Geddes,

The convention adjourned until Monday.



MONDAY, JULY 5, 1847.

The convention met pursuant to adjournment.

Prayer by the Rev. Mr. Bergen.

The journal of Friday was read.

Mr. Butler presented the petition of Reuben D. Dodge and 68 others, inhabitants of Lake county, praying that the number of senators and representatives in the general assembly be fixed at a number not exceeding one hundred, that the length of the sessions be limited to sixty days; and that the per diem of members be limited to a sum not exceeding two dollars per day. Also, the petition of Reuben D. Dodge and 69 others, inhabitants of Lake county, praying that the time of holding the annual elections be changed to the first Monday in November, in each year; which were read, and,

On motion of Mr. Butler,

Referred to the committee on the Legislative Department.

Mr. Butler presented the petition of Reuben D. Dodge and 68 others, inhabitants of Lake county, praying that circuit judges, clerks of the circuit court, district attorneys, and all other officers of the state, judicial or otherwise, may be elected by the people of this state.

The petition was read, and,

On motion of Mr. Butler,

Referred to the committee on the Organization of Departments, and officers connected with the Executive Department.

Mr. Butler presented the petition of Reuben D. Dodge and 68 others, inhabitants of Lake county, praying that the county commissioners' court may be abolished, and a township or precinct organization be established in lieu thereof, and that counties may have no power to create any debt without an especial act of the legislature.

The petition was read, and,

On motion of Mr. Butler,

Referred to the special committee on the organization of townships, &c.

Mr. Edwards of Madison presented the petition of George Churchill and four others, citizens of Madison county, praying that provision may be made in the new constitution for a state superintendent of public instruction, with a liberal salary.

Mr. Dummer presented the petition of Sylvester Emmerson and thirty-seven others, citizens of Cass county, praying for a like provision.

Mr. Anderson presented the petition of A. Waterman and fifty-six others, citizens of Du Page county, also praying for a like provision.

Mr. Hill presented the petition of Wm. M. Byers and twenty-two others, citizens of De Kalb county, also praying for a like provision.

Mr. Davis of McLean presented the petition of James Miller and one hundred and forty-four others, citizens of McLean county, also praying for a like provision.

On motion,

The reading of the petitions was dispensed with, and the same were severally referred to the committee on Education.



Mr. Vernor presented the petition of James Burns and forty-six others, citizens of Washington county, praying that all resident freeholders, who are foreigners by birth, be required to become naturalized.

The petition was read, and,

On motion of Mr. Vernor,

Referred to the committee on the Bill of Rights.

On motion of Mr. Scates,

The resolution introduced by him some days since, in relation to the taxing of public lands, was taken from the table, and referred to the same committee of the whole to which was referred the report of the committee on Revenue.

On motion of Mr. Scates,

The convention resolved itself into a committee of the whole, again to consider the report of the committee on the Legislative Department—Mr. Z. Casey in the chair.

The question pending when the committee rose on Friday last, was on the amendment proposed by Mr. Kenner, to be added to the 16th section.

The question was taken on agreeing to the amendment, and decided in the affirmative.

Mr. Church moved to strike out the 17th section.

The question was taken, and decided in the negative.

Mr. Ballingall moved to amend the 18th section, by inserting after the word "law," in the first line, the words:

"Shall contain any matters not pertinent to the title, and first section thereof, nor."

And also, by inserting after the word "shall," in the same line, the words, "such general law."

Mr. Holmes moved to amend the amendment by striking out the word "published," in the 5th line, and inserting, in lieu thereof, the words, "sixty days after its passage."

The question was taken on agreeing to the amendment to the amendment, and decided in the negative.

The question was taken on agreeing to the amendment, and decided in the negative.

Mr. Peters moved to amend the same section, by inserting after the word "house," in the first line, the following:

"And if the bill shall be for a general law, it shall not be finally passed without first having been printed for the use of the members."

The question was taken on agreeing thereto, and decided in the negative.

Mr. Kenner moved to amend the same section, by adding after the word "title," the following:

"But the legislature shall not have power to pass any private or local law, unless a majority of two-thirds shall agree that the subject cannot be reached by a general law."

The question was put on agreeing thereto, and decided in the negative.

On motion of Mr. Knox,

The said section was amended, by striking out the words, "private or local," in the fourth line.



Mr. Wead moved to amend the same section, by striking out all after the word "title," in the fifth line.

The question was taken and decided in the negative.

On motion of Mr. Hayes, and by the unanimous consent of the committee,

The vote taken on Mr. Knox's amendment to the 18th section was reconsidered.

The question then recurred on agreeing to the amendment, and having been put, was decided in the negative.

On motion of Mr. Singleton,

The 18th section was amended, by striking out all after the word "title," in the fifth line, and inserting in lieu thereof the following:

"And no private or local act of the general assembly shall take effect, or be in force, until after the expiration of sixty days from the end of the session at which the same may be passed, unless, in case of emergency, the legislature shall otherwise direct, by a vote of two-thirds of each branch of the legislature."

On motion of Mr. Thomas,

The same section, as amended, was still further amended, by striking out the words, "private or."

Mr. McCallen moved to amend said section, as amended, by inserting after the word "houses," in the fourth line, the following:

"And such law shall then become the law of the land."

The question was taken on agreeing thereto, and decided in the negative.

Mr. Cross of Winnebago moved to amend the 20th section, by striking out the words "forty-two," and inserting in lieu thereof the word "sixty."

Mr. Sharpe called for a division of the question, so as to take the vote first on striking out.

The question was then taken, but no quorum voting,

The committee of the whole rose, and, by their chairman, reported that fact to the convention.

On motion of Mr. Thomas,

A call of the convention was ordered.

The convention being called, one hundred and twenty-eight members answered to their names; which being a quorum,

The chairman of the committee of the whole resumed the chair, and

The question was then taken on striking out, and decided in the negative.

Mr. Cross of Winnebago moved to amend the same section, by striking out the word "two," in the first line, and inserting in lieu thereof the words, "not to exceed three."

Mr. Sharpe called for a division of the question, so as to take the vote first on striking out.

The question was taken, and decided in the negative.

Mr. Scates moved to amend the same section, by inserting the word "actual" between the words "days" and "attendance," in the first and second lines. Also, by striking out the word "the," before "members" in the third line, and inserting the word "each" in lieu thereof, and to make



the word "members" read "member;" and by striking out the word "their," in the last line, and inserting in lieu thereof the word "his."

Mr. Hurlbut called for a division, so as to vote on each proposition separately.

The question was taken on agreeing to the first proposition, and decided in the negative.

The question was taken on agreeing to the second proposition, and decided in the negative.

The question was taken on agreeing to the last proposition, and decided in the negative.

Mr. Williams moved to amend the same section, by adding thereto the words, "and no more;" which was agreed to.

Mr. Rountree moved to amend the same section, as amended, by adding thereto the following:

"The speaker of the house of representatives shall be allowed the sum of one dollar per day, in addition to his per diem as a member. The clerk of the house of representatives and the secretary of the senate shall each be allowed the sum of three dollars per day. The assistant clerk of the house of representatives and the assistant secretary of the senate, and enrolling and engrossing clerks of the two houses, copyists of the journals, and doorkeepers and assistant doorkeepers of each house, shall be allowed two dollars per day, each, for their services, and no more."

Mr. Logan moved to amend the amendment; by striking out the word "one," and inserting in lieu thereof the word "two."

On motion of Mr. Kitchell,

The committee rose, reported progress, and asked leave to sit again.

Leave was accordingly granted.

On motion,

The convention adjourned until 3 o'clock, P. M.

### THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

On motion of Mr. Thomas,

A call of the convention was ordered.

One hundred and fourteen members having answered, and a quorum being present,

On motion of Mr. Shumway,

Further proceedings under the call were dispensed with.

On motion of Mr. Thomas,

The convention resolved itself into a committee of the whole, again to consider the report of the committee on the Legislative Department—Mr. Z Casey in the chair.

The question pending when the committee rose, was on the amendment proposed by Mr. Logan to the amendment proposed by Mr. Rountree to the 20th section, as amended.

The question was taken on agreeing thereto, and decided in the negative.

Mr. Williams moved to amend the amendment, by striking out all after the word "member."



The question was taken on agreeing thereto, and decided in the affirmative.

The question was then taken on agreeing to the amendment, as amended, and decided in the affirmative.

Mr. Scates moved further to amend the same section, by inserting, after the words "house of representatives," the words, "and the president of the Senate."

The question was taken on agreeing thereto, and decided in the negative.

Mr. Thomas moved to amend the 20th section, by adding thereto the following:

"And any provision, contained in a bill making appropriations for the pay and compensation of the members and officers of the general assembly, upon any other subject, shall be void."

The question was taken on agreeing thereto, and decided in the negative.

Mr. McCallen moved to amend the same section, by inserting, after the word "day," in the first line, the words, "in gold or silver, or its equivalent."

The question was taken on agreeing thereto, and decided in the negative.

On motion of Mr. Adams,

The following was agreed to, as an additional section, to follow section 20:

"The per diem and mileage allowed to each member of the legislature shall be certified by the speakers of the respective houses, and entered on the journals, and published at the close of each session."

M. Deitz moved to amend the same section, by striking out the word "ten," in the second line, and inserting "fifteen" in lieu thereof.

The question was taken thereon, and decided in the negative.

Mr. Shumway moved to amend the 21st section, by inserting after the word "law," in the second line, the following:

"Nor unless such payment be made within four years next after the passage of such appropriation act; and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied; and it shall not be sufficient for such law to refer to any other law to fix such sum."

The question was taken on agreeing thereto, and decided in the negative.

Mr. Whiteside moved to amend the 22d section, by striking out all after the first line, and insert in lieu thereof the following:

"Be eligible to any civil office or place of trust under the authority of this state."

The question was taken on agreeing thereto, and decided in the negative.

Mr. Thornton moved to amend the 21st section, by adding thereto the following:

"And no person, who has been or may be a collector or holder of public moneys, shall have a seat in either house of the general assembly until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable."



The question was taken on agreeing thereto, and decided in the affirmative.

Mr. Wead moved to amend the same section, by inserting after the word "office," in the second line, the words, "or place of trust."

The question was taken, and the amendment agreed to.

Mr. Blair moved to amend the same section, by striking out the words, "or during one year after the expiration thereof," in the second line.

The question was taken, and the amendment was not agreed to.

Mr. Davis of Montgomery moved to amend the 23d section, by striking out the words "present, in the second and fifth lines, and insert in lieu thereof, "elected."

The question was taken, and the amendment agreed to.

Mr. Scates moved to amend the 23d section, by striking out the words "two-thirds," and inserting in lieu thereof the words "a majority."

The question was taken, and the amendment was not agreed to.

Mr. Ballingall moved to amend the 25th section, by inserting after the word "shall," in the fifth line, "during the time for which he was elected or appointed to such office, be eligible, or."

The question was taken, and the amendment was not agreed to.

Mr. Davis of McLean moved to amend the 25th section, by striking out the word "postmasters."

The question was taken, and the amendment agreed to.

On motion of Mr. Hurlbut,

The 25th section was amended, by striking out the word "register," and inserting in lieu thereof the word "recorder."

On motion of Mr. Hogue,

The 26th section was amended, by adding thereto the words, "and also an oath of office."

On motion of Mr. Wead,

The following was adopted as an additional section:

"SEC. —. The legislature shall never grant or authorize extra compensation to any public officer, agent, servant, or contractor, after the service shall have been rendered, or the contract entered into."

Mr. Harvey moved the following, as an additional section:

SEC. —. The general assembly shall have no power to appropriate more than \_\_\_\_\_ dollars for the incidental and contingent expenses of the state government, during any one year."

The question was taken, and the amendment was not agreed to.

Mr. Edwards of Sangamon moved the following, as an additional section:

"SEC. —. The general assembly shall direct, by law, in what manner suits may be brought against the state; and no claim against the state shall be allowed until proven and established before some tribunal, and afterwards approved by the general assembly."

Mr. Kitchell moved to amend the amendment, by striking out all after the word "tribunal."

The question was taken, and the amendment to the amendment was not agreed to.

The question was taken on agreeing to the proposed section, and decided in the affirmative.



On motion of Mr. Edwards of Sangamon,

The 30th section was amended, by striking out all after the words "real estate," in the second line."

On motion of Mr. Logan,

The same section, as amended, was further amended, by adding thereto the words, "belonging, in whole or in part, to any individual or individuals."

Mr. Butler moved to amend the 31st section, by inserting after the word "individual," in the second line, the words "corporations or associations;" and by inserting the same words after the word "individuals," in the third line.

The question was taken on the amendment, and decided in the negative.

Mr. Edwards of Sangamon moved to amend the same section, by inserting after the word "individual," in the second line, the following:

"Nor to pass any law authorizing any proceeding in any court, affecting the property or rights of any individual, other than is allowed under the general laws of the land."

The question was taken, and decided in the affirmative.

Mr. Scates moved to amend the 31st section, by striking out all after the word "law," in the fifth line.

On motion of Mr. Geddes,

The committee rose, reported progress, and asked leave to sit again.

Leave was accordingly granted.

Mr. Scates offered the following, as an additional section to the article reported by the committee on the Legislative Department:

SEC. —. The legislature shall have power—

To lay and collect taxes, imposts, and excises; to pay the debts and provide for the common defence, support, and general welfare of the state;

To borrow money on the credit of the state;

To pass all laws which may be deemed wise and expedient, in amendment, alteration, or abolishment of the principles of the common law, of equity, maritime, or mercantile law;

To define and provide for the trial and punishment of crimes and misdemeanors, and regulate the general policy of the state;

To provide for the due administration of justice, the execution of the laws, and the enforcement of the decisions of the courts of justice and such other tribunals as may be established;

To regulate the rules of practice and evidence, the mode of instituting suits and proceedings against the state, the people thereof, and corporations in or out of the state;

To exempt from attachment, execution, and sale for taxes, or debt, such property as it may deem wise and expedient;

To regulate the descent of real estate, titles to the same, wills, intestacies, the administration, distribution, and settlement of estates, and the rules for ascertaining, defining, and enforcing all contracts relative to property, real or personal, or to individuals or corporations;

To define and regulate the relations and duties of husband and wife, parent and child, guardian and ward, and master and servant;

To establish and regulate counties, towns, cities, and districts, and rules for the municipal government therein;

To regulate insolvencies;



To regulate elections;

To establish and regulate roads, ferries, toll-bridges, and internal improvements;

To regulate the navigation of the waters of this state, and internal commerce;

To encourage agriculture, the mechanic arts, and manufactures;

To promote general education, the progress of science and the useful arts, by establishing schools and institutions of learning, and such other means as may be deemed wise and expedient;

To provide for organizing, arming, disciplining, and calling for the militia to execute the laws of the state, suppress insurrections or repel invasions;

To fix and locate the seat of government of the state, build, repair, and preserve a state house, and such other public offices as may be necessary for the transaction of the public business, and the preservation of the archives and public records;

To regulate the administration of the several departments of state, and officers connected with the executive and other departments;

To define and regulate the duties of the agents of the state;

To provide for making a geological survey of the state;

To provide for revising the laws of the state from time to time, and publishing the same, in a condensed form;

To pass all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of this state, or any department or officer thereof: all which powers shall be exercised within the limitations, restrictions, and prohibitions contained in this constitution.

And it is expressly declared that the government ordained and established by this constitution is one of limited, delegated powers; and the powers, not herein delegated, are reserved to the people, the source of all political power.

Which, on his motion, was laid on the table, and two hundred copies ordered to be printed for the use of the convention.

On motion,

The convention adjourned until to-morrow morning, 9 o'clock.

## TUESDAY, JULY 6, 1847.

Convention assembled pursuant to adjournment.

Prayer by the Rev. Mr. Dresser.

The journal of yesterday was read.

Mr. Robbins presented the petition of Oscar F. McMillan and nineteen others, citizens and qualified voters of the state of Illinois, praying that a homestead of 160 acres of land, or a town lot of one acre, with the improvements, be exempted from mortgage and forced sale, &c., and also 'to secure families a more liberal amount of personal property;' when, on his motion, the reading was dispensed with, and the petition was referred to the committee on Law Reform.

Mr. Servant presented the petition and memorial of Jacob Feaman and thirty-six others, inhabitants of Kaskaskia, in relation to the com-



mons granted by the French government to the inhabitants of the parish of Kaskaskia on the 14th day of August, 1743; which was read, and, on his motion, referred to a special committee of five.

*Ordered*, That Messrs. Servant, Kinney of St. Clair, Constable, Roman, and Robbins, be that committee.

Mr. Wead presented the petition of A. G. Little and sixty-one others, citizens of Fulton, Knox, Peoria, Mason, and Brown counties, praying that provision may be made in the new constitution for a state superintendent of public instruction, with a liberal salary; when, on his motion, the reading of the petition was dispensed with, and it was referred to the committee on Education.

The president presented the following communication from the auditor of public accounts:

AUDITOR'S OFFICE, ILLINOIS,  
July 5, 1847.

To the honorable,

The PRESIDENT of the Convention:

SIR: In compliance with the following resolution of your body, to wit:

*Resolved*, That the auditor of state be requested to furnish this convention, in tabular form, a statement of the revenue of the several counties of this state; also, of the state revenue from the years 1839, inclusive, to the present year; also, that the auditor of state transmit a copy of this resolution to the clerks of the several county commissioners' courts, with request that said clerks transmit, in form aforesaid, all information on the subjects aforesaid which can be obtained from the files and records of said counties; and that the said clerks further report the amount of the indebtedness of said counties to said auditor,"

I have the honor to submit the accompanying statement, with the remark that it contains the information asked for so far as ascertainable from the records in this office.

I have received reports from seventeen counties, which are herewith submitted.

I have the honor to be your obedient servant,

THOS. H. CAMPBELL,  
*Auditor.*

On motion of Mr. Kitchell,

The communication, with the report and the accompanying documents, was referred to the committee on Revenue.

Mr. Harvey, from the committee on Incorporations, reported the following as proper to be engrafted as an article in the new constitution of his state:

#### ARTICLE —.

SECTION 1. Corporations, not possessing banking powers or privileges, may be formed under general laws, but shall not be created by special acts, except for municipal purposes, and in cases where, in the judgment of the legislature, the objects of the corporation cannot be attained under general laws.

SEC. 2. Dues from corporations not possessing banking powers or



privileges, shall be secured by such individual liabilities of the corporators or other means, as may be prescribed by law.

SEC. 3. No state bank shall hereafter be created, nor shall the state own, or be liable for, any stock in any corporation or joint stock associations for banking purposes.

SEC. 4. No banking powers or privileges shall be granted either by general or special acts of incorporation, unless directed by the people of the state, as hereinafter provided.

SEC. 5. The legislature may at any session, but not oftener than once in four years, direct the vote of the people to be taken on the day of the general election, for or against the absolute prohibition contained in the fourth section of this article, six months notice having been first given, and if a majority voting shall decide against the prohibition contained in the said fourth section, the legislature may authorize the forming of corporations or associations for banking purposes by general acts of incorporations, upon the following conditions:

1. No law shall be passed sanctioning in any manner, directly, or indirectly, the suspension of specie payments.

2. Ample security shall be required in specie of all bills and notes put in circulation as money, and a registry of all such bills and notes shall be required.

3. The stockholders in every corporation and joint stock association for banking purposes, issuing bank notes or any kind of paper credits to circulate as money, shall be individually responsible to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind.

4. In case of insolvency of any bank or banking associations, the billholders shall be entitled to preference in payment over all other creditors of such bank or association.

5. Non-payment of specie shall be a forfeiture of all banking rights and privileges, and the legislature shall not have power to remit the forfeiture, or relieve from any of its consequences; and provision shall be made by law for the trial, in a summary way, by the judicial tribunals of all contested questions of forfeiture of banking privileges.

SEC. 6. Acts of incorporation for municipal purposes, whether general or special, may at any time be altered, amended, or repealed, and all general acts granting corporate powers of any kind other than for municipal purposes, may at any time be altered, amended or repealed, but such alteration, amendment, or repeal shall, unless the right to make the same be reserved, operate prospectively.

Mr. Harvey moved to lay the report on the table, and that two hundred copies be printed for the use of the convention.

Mr. Cross of Winnebago moved 500 copies.

On motion of Mr. Campbell of Jo Daviess,

The report was laid on the table, and 1000 copies ordered to be printed.

Mr. Harvey, from the same committee, which was instructed by resolution to inquire into the expediency of reporting sundry provisions to be adopted in the amended constitution, providing that "there shall be no



bank of issue or discount within this state," &c., reported the same back, and asked to be discharged from the further consideration thereof.

The question was taken, on discharging the committee, and decided in the affirmative.

Mr. Kinney of St. Clair, from the minority of the committee on Incorporations, reported the following sections, as proper to be inserted in the new constitution:

SECTION 1. No corporate body shall be hereafter created, renewed or extended within this state with banking or discounting privileges.

SEC. 2. Corporations shall not be created in this state by special laws. But the legislature shall provide by general and uniform laws, under which corporations or associations of persons may be formed, and not otherwise, except corporations with banking or discounting privileges, the creation of which is prohibited.

SEC 3. No persons, corporation, or associations of persons, shall be allowed to make, issue, or put in circulation, within this state, any bill, check, ticket, certificate, or other paper, or the paper of any bank, or its branches, or any evidence of debt intended to circulate as money.

SEC. 4. No branch, or agency of any bank, or banking institution in the United States, or any state or territory, within or without the United States, shall be established or maintained within this state.

SEC. 5. The members of such corporations or associations of persons shall be individually liable for the debts, liabilities, and acts of such incorporation or associations, and for the consequences resulting therefrom.

On motion of Mr. Davis of Massac,

The report was laid on the table, and 1,000 copies ordered to be printed for the use of the convention, with the report of the majority.

Mr. Harvey from the same committee which had had under consideration sundry propositions, reported the same back, and asked to be discharged from the further consideration of them.

The question was taken on discharging the committee, and decided in the affirmative.

Mr. Jenkins, from the committee on the Division of the State into Counties and their Organization, made report of the following:

#### ARTICLE —.

SECTION 1. No new county shall be established by the legislature, which shall reduce the county or counties from which it is taken, or either of them, to less contents than four hundred square miles; nor shall any county be established of less contents, unless it shall contain within its prescribed limits four thousand inhabitants; nor shall such new county be organized, until a majority of the qualified voters within its prescribed limits, at some election held for that purpose, shall have voted in favor of such organization.

SEC. 2. No county seat shall be removed, until the point to which it is proposed to be removed shall be fixed by law, and a majority of the qualified voters of the county shall have voted in favor of its removal to such point.

SEC. 3. There shall be established in each county in this state a court of record, to be styled the county court, to be composed of three judges.



SEC. 4. Each county in this state shall be divided into three districts as nearly equal, in point of population, as may be, and the county judge shall be selected, one from each district, and elected by the qualified voters of the whole county.

SEC. 5. The county court shall have power and jurisdiction in all matters relating to county taxes, disbursement of money for county purposes and in every other case that may be necessary to the internal improvement and local concerns of the county, and such other powers and jurisdiction as the legislature shall from time to time prescribe by law.

SEC. 6. There shall be established in each county in this state, a court of probate, which shall be a court of record, to consist of one officer who shall be elected by the qualified voters of the counties, respectively, and be styled the judge of probate.

SEC. 7. The courts of probate shall have jurisdiction, in matters relating to the settlement of the estates of deceased persons, executors, administrators, and guardians, and such other jurisdiction as may be assigned to them by law; *Provided, however,* that judges of probate shall not act as justices of the peace.

SEC. 8. In each of the counties of this state there shall be elected, by the qualified voters therein, one clerk of the circuit court, one clerk of the county court, one recorder, one judge of probate, one sheriff, one coroner, one county surveyor, one assessor, one collector, and one treasurer, whose powers and duties shall be provided by law.

SEC. 9. There shall be elected in each county in this state, in such districts or townships as the county court may designate, or as may be authorized by law, as many justices of the peace, constables, and other officers and agents as may be necessary to conduct the business of said counties, respectively, whose jurisdiction and duties shall be defined by the legislature.

SEC. 10. The judges of the county courts, clerks of the circuit courts, clerks of the county courts, sheriffs, coroners, recorders, judges of probate, assessors, collectors, treasurers, justices of the peace, and constables shall be elected for two years, and until their successors are elected and qualified, and all other officers or agents, authorized by this article, shall be elected at such times as the county court may direct, or as may be otherwise provided by law.

Mr. McCallen moved that the report be laid on the table, and 100 copies printed.

The question being taken on the motion, was decided in the negative.

On motion of Mr. Markley,

The report was laid on the table, and 500 copies thereof ordered to be printed.

Mr. Turnbull, from the minority of the same committee, reported the following as suitable to be engrafted into the new constitution:

SECTION 1. No county heretofore erected and organized shall be reduced by the legislature to a less area than four hundred square miles, nor shall any new county be erected with a less area than four hundred square miles, unless the population thereof shall entitle the same to a representative in the legislature.



Sec. 2. All county and township officers shall be elected by the people of their respective counties and townships.

Sec. 3. There shall be elected in each county in this state, one coroner, one sheriff, one county surveyor, one recorder, one or more assessors, three county commissioners, and a prosecuting attorney, whose terms of office, duties, and liabilities shall severally be prescribed by law.

Sec. 4. There shall be elected in each county a county treasurer, who shall be receiver and collector of the public revenue, and whose duties and liabilities shall be prescribed by law.

Sec. 5. There shall be elected in each county in this state, a county auditor, who shall enter all lands lying in his county for taxation, shall be *ex officio* clerk for the county commissioners' court, and shall perform such other duties as may be required of him by law.

Sec. 6. There shall be elected in each township or fractional township in this state, when the inhabitants thereof shall exceed fifty in number, three township trustees, who shall act as judges of elections for state, county, or township purposes, select their ratio of jurors, settle with supervisors, and see that the public roads are kept in repair, and perform such other duties as may be required by law.

Sec. 7. There shall be elected one township clerk, one or more supervisors, two or more justices of the peace, two or more constables, three overseers of the poor, and three fence-viewers, whose duties shall be prescribed by law.

On motion of Mr. Turnbull,

The report of the minority was laid on the table, and 500 copies ordered to be printed with the report of the majority, for the use of the convention.

Mr. Jenkins, from the same committee, submitted the following report, as being the views of a majority of the committee, but by order of convention:

## ARTICLE —.

SECTION 1. No new county shall be formed or established by the legislature which will reduce the county or counties, or either of them, from which it shall be taken, to less contents than four hundred square miles; nor shall any county be formed of less contents, nor any line of which shall pass within less than ten miles of any county seat already established.

SEC. 2. No county shall be divided, or have any part stricken therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county shall vote the same.

The committee also recommended to the convention a reconsideration of this subject, in order that the last two sections might not become parts of the amended constitution.

On motion of Mr. Logan,

The article last reported was laid on the table, and ordered to be printed, accompanying the other reports, of to-day, on a similar subject.

On motion of Mr. Jenkins,

Resolved, That the committee on the Judiciary Department be instructed



ted to inquire into the legality, justice, and expediency of inserting in the amended constitution the following provision, to wit:

That all titles to land acquired by any person by purchase of the same at any sale for taxes, made by authority of this state, shall be void, on the condition that the person who owned the land, or his legal representatives does, within five years from the adoption of this constitution, pay to the purchaser, his heirs or assigns, the sum paid by him for the land, with — per cent. interest on the same from the time of such sale, until the time of payment, and such reasonable price for the improvement made upon such land as a jury called for the purpose may think is right, after taking into consideration the damage done to the land and timber, and deducting it from the value of said improvements.

*Resolved*, That if the committee on the Judiciary should think the plan proposed in the foregoing resolution, for carrying into effect the object contemplated therein, unjust or inexpedient, they will report to the convention such other plan as they deem expedient, if, in their opinion, any thing can be done to relieve such as have lost their lands under the operations of said laws.

On motion of Mr. Logan,

The convention resolved itself into a committee of the whole, again to consider the report of the committee on the Legislative Department—Mr. Woodson in the chair.

The question pending when the committee rose on yesterday evening was on the motion of Mr. Scates to amend the 31st section by striking out all after the word "law," in the fifth line.

After some time spent in the consideration of the same,

On motion of Mr. Davis of Montgomery,

The committee rose, reported progress, and asked leave to sit again which leave was granted.

On motion,

The convention adjourned until three o'clock. P. M.

### THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

On motion of Mr. Shumway,

A call of the convention was ordered.

The call was proceeded in, when 117 members answered to their names and a quorum being present,

On motion of Mr. Shumway,

Further proceedings under the call were dispensed with.

On motion of Mr. Markley,

The convention resolved itself into a committee of the whole, again to consider the report of the committee on the Legislative Department—Mr. Woodson in the chair.

The question pending when the committee rose this morning was on the motion made on yesterday by Mr. Scates, and stated in this morning's journal.



Mr. Logan moved to amend the article by striking out the 31st section. The question having been taken, the amendment was not agreed to. The question was then taken on the amendment proposed by Mr. Scates, and decided in the negative.

Mr. Williams moved to amend the 31st section by adding thereto the following:

"In court; *Provided*, nothing herein contained shall prevent the passage of any law for seizing and holding persons or property by mesne process until such trial can be had."

Mr. Harvey moved to amend the amendment by substituting therefor the words "or the law of the land."

The question was taken on agreeing thereto, and decided in the negative.

The question was taken on agreeing to the amendment, and decided in the affirmative.

Mr. Thornton moved to amend the same section by inserting after the word "law," in the 5th line, the following:

"*Provided*, the general assembly shall have power to grant such charters of corporation as they may deem expedient, and not prohibited."

On motion of Mr. Markley,

The convention rose, reported progress, and asked leave to sit again; which leave was granted.

On motion,

The convention adjourned until to-morrow morning, at nine o'clock.

### WEDNESDAY, JULY 7, 1847.

Convention assembled pursuant to adjournment.

Prayer by Rev. Mr. Hale.

The journal of yesterday was read.

Mr. Cross of Winnebago presented the petition of S. W. Leland and thirty-four others, citizens of Winnebago county, praying that provision may be made in the new constitution for a state superintendent of schools, with a liberal salary.

Mr. Moffett presented the petition of L. H. Brown and twenty-seven others, citizens of Carroll county, praying for a like provision.

On motion, the reading of the petitions was dispensed with, and they were referred to the committee on Education.

Mr. Holmes, from the minority of the committee on Militia and Military Affairs, submitted the following as suitable to be ingrafted into the amended constitution:

SECTION 1. The militia of this state shall consist of all free white male able-bodied persons, residents of the state, between the ages of eighteen and forty-five years; except such persons as now are or may hereafter be exempted by the laws of the United States or of this state, and shall be registered, armed, equipped, and trained as the general assembly may provide by law.

SEC. 2. No person shall be compelled to bear arms in time of peace, provided he shall pay an equivalent for such exemption; *And provided, further*, that this section shall not excuse any person from bearing arms



when called upon to aid the civil authorities, or to suppress insurrection, or repel invasion.

SEC. 3. Company, battalion, and regimental officers, (staff officers excepted) shall be elected by the persons composing their several companies, battalions, and regiments.

SEC. 4. Brigadier and major generals shall be elected by the officers of their brigades and divisions respectively.

SEC. 5. All militia officers shall be commissioned by the governor, and may hold their commissions for such time as the legislature may provide.

SEC. 6. The militia shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest, during their attendance at musters and election of officers, and in going to and returning from the same.

The report was read, and,

On motion of Mr. Davis of McLean,

Laid on the table, and 200 copies ordered to be printed for the use of the convention.

On motion of Mr. Logan,

The convention resolved itself into a committee of the whole, again to consider the report of the committee on the Legislative Department—Mr. Woodson in the chair.

The question pending when the committee rose on yesterday, was on agreeing to the amendment proposed by Mr. Thornton to the 31st section; when,

Mr. Thornton withdrew the amendment.

Mr. Davis of McLean moved to amend the same section by striking out all after the word "to," in the first line, to the word "legislature," in the sixth line, inclusive.

Mr. Caldwell moved to amend the amendment by striking out all after the word "other," in the fourth line, to the word "law," in the fifth line, inclusive, and to insert in the third line, between the word "any" and "law," the words "private or special."

Mr. Davis of McLean called for a division, so as to vote first on inserting.

The question was taken on agreeing to the insertion of the words "private or special," and decided in the negative.

The question was then taken on striking out all between the words "any" and "law," and decided in the negative.

Mr. Wead called for a division, so as to vote separately on striking out each paragraph of the amendment proposed by Mr. Davis of McLean.

The question was then taken on striking out the first paragraph, and decided in the affirmative.

The questions were successively taken on striking out the second and third paragraphs, and decided in the affirmative.

Mr. Geddes moved that the committee rise, report progress, and ask leave to sit again.

And the question being taken, the motion was not agreed to.

The question was taken on striking out the fourth paragraph, and that part, also, of the motion, agreed to.

Mr. Williams offered the following, to be added to the same section, as amended:



"Or for collecting taxes by distress and sale of personal property without judgment."

The question was taken and the amendment agreed to.

Mr. Hogue moved to strike out the whole section as amended.

On motion of Mr. Harvey,

The committee rose, reported progress, and asked leave to sit again; which leave was granted.

On motion,

The convention adjourned to 3 o'clock, P. M.

### THREE O'CLOCK, P. M.

The convention assembled pursuant to adjournment.

Mr. Z. Casey offered the following:

*Resolved*, That this convention will adjourn *sine die* on Friday, the 31st inst.

On motion of Mr. Markley,

The resolution was laid on the table.

On motion of Mr. Hogue,

The convention resolved itself into a committee of the whole, again to consider the report of the committee on the Legislative Department—Mr. Woodson in the chair.

The question pending when the committee rose, was on the motion made by Mr. Hogue, to strike out the 31st section, as amended.

On motion of Mr. Logan,

The 31st section, and the pending amendments, were informally passed over for the present.

Mr. Markley moved to amend the 32d section by inserting after the word "law," in the third line, the following words:

"And in the year eighteen hundred and fifty, and every tenth year thereafter, the census taken by authority of the government of the United States may be adopted by the general assembly as the enumeration of this state," and insert the word "regular" between the words "first" and "session," in the third line.

Mr. Edwards of Sangamon moved to amend the amendment by striking out the whole section, and inserting in lieu thereof the following:

"The apportionment of the senators and representatives shall be made according to the census which may be taken by order of congress next preceding the making such apportionment among the several counties or districts, to be established by law, in proportion to the number of white inhabitants."

The question was taken on agreeing to the amendment to the amendment, and decided in the negative.

The question was taken, and the amendment agreed to.

Mr. Thomas moved the following as an additional section:

"Senatorial and representative districts shall be composed by contiguous territory, bounded by county lines, and only one senator allowed to



each senatorial, and not more than three representatives to any representative district; *Provided*, that cities and towns, containing the requisite population, shall be divided into separate districts, but the ratio of representation in such cities or towns shall be equal to one and a half of that required for counties, and not more than two representatives shall be allowed to each of such districts."

Mr. Northcott moved to amend the proposed section by striking out the word "three," and inserting in lieu thereof the word "one."

Mr. McCallen called for a division, so as to take the vote first on striking out.

The question was taken on striking out, and decided in the negative.

Mr. Green of Jo Daviess called for a division, so as to take the question on the first branch of the proposed section.

The question was taken, and the first branch of the proposed section was agreed to.

Mr. Minshall moved to amend the second branch of the proposed section, by striking out the words "and towns."

The question was taken, and the amendment not agreed to.

The question was taken, and the second branch of the proposed section agreed to.

Mr. Thomas proposed the following as an additional section:

"In forming senatorial and representative districts, counties containing a population of not more than one fourth over the existing ratio shall form separate districts, and the excess shall not be computed, but shall be added together and given to such county or counties in the same judicial circuit not having a senator or representative, as the case may be, which has the largest white population."

Mr. Harding offered the following as a substitute for the proposed section:

"Whenever a county shall be entitled to a separate senator or representative, and has an excess of population over the existing ratio, such excess, unless it amounts to more than one-fourth of such ratio, shall be disregarded; and whenever a county has two representatives, and has an excess, such excess, unless it amounts to more than one-half the existing ratio, shall be disregarded."

On motion of Mr. Thomas,

The committee rose, reported progress, and asked leave to sit again; leave was accordingly granted.

On motion,

The convention, adjourned until to-morrow morning at 9 o'clock.

## THURSDAY, JULY 8, 1847.

The convention met pursuant to adjournment.

Prayer by the Rev. Mr. Barger.

The journal of Saturday was read.

Mr. Servant presented the petition of Edward Boucherie and others, inhabitants of Kaskaskia, in relation to the commons near town.



On motion of Mr. Servant,

The reading was dispensed with, and the petition referred to the same select committee to which a similar petition was referred.

Mr. Z. Casey, from the committee on Revenue, to which was referred a communication from the auditor of public accounts, with the accompanying papers, reported the same back, and asked to be discharged from the further consideration thereof.

The question was taken, and the committee discharged.

On motion of Mr. Pratt,

The following was adopted as a standing rule of this convention:

"No member, either in convention or in committee of the whole, shall speak at any one time, unless by unanimous leave, longer than thirty minutes."

Mr. Markley moved to amend the 18th rule by striking out all after the word "applicable," in the second line, to the word "A," in the 4th line.

On motion of Mr. McCallen,

The previous question was ordered.

The question was taken by yeas and nays,

It was decided in the negative,	{ Yeas,	:	:	:	:	58
	{ Nays,	:	:	:	:	78

Those voting in the affirmative, are,

Mr. Adams

Akin

Allen

Atherton

Blair

Brockman

Brown

Bunsen

Butler

Canady

Caldwell

Carter

F. S. Casey

Z. Casey

Colby

Dale

Deitz

Dunlap

Eccles

Mr. Edmonson

Frick

Green of Tazewell

Harper

Harvey

Hatch

Hawley

Hay

Hill

Hunsaker

James

Kreider

Kenner

Kinney of St. Clair

McCully

Markley

Matheny

Moffett

Morris

Mr. Oliver

Palmer of Marshall

Pratt

Rives

Robbins

Robinson

Roman

Rountree

Scates

Stadden

Shields

Spencer

Sim

Trower

Vance

Vernor

Wead

Witt

Woodson.

Those voting in the negative, are,

Mr. Archer

Ballingall

Bond

Bosbyshell

Crain

Campbell of Jo Daviess

Choate

Cross of Winnebago

Cross of Woodford

Cloud

Church

Churchill

Davis of Montgomery

Mr. Davis of McLean

Dawson

Dummer

Dunsmore

Edwards of Madison

Edwards of Sangamon

Evey

Graham

Geddes

Green of Clay

Green of Jo Daviess

Grimshaw

Harding

Mr. Harlan

Heacock

Henderson

Hogue

Holmes

Hurlbut

Huston

Jackson

Jerkins

Jones

Judd

Kinney of Bureau

Kitchell



Mr. Knowlton  
Knox  
Lander  
Lasater  
Laughlin  
Lemon  
Linley  
Lockwood  
Logan  
Loudon  
McCallen  
Marshall of Coles  
Mason

Mr. Mieure  
Minshall  
Moore  
Northcott  
Norton  
Palmer of Macoupin  
Peters  
Pinckney  
Powers  
Swan  
Sharpe  
Servant  
Sibley

Mr. Singleton  
Smith of Macon  
Shumway  
Thomas  
Thompson  
Thornton  
Turnbull  
Turner  
Tuttle  
Webber  
Williams  
Whitney  
Worcester.

On motion of Mr. Edwards of Madison,

The following preamble and resolutions were unanimously adopted.

Whereas, we have just learned, with deep emotion, that the remains of Col. John J. Hardin and Capt. Jacob Zabriskie have reached St. Louis, and that preparations have been made to inter them with funeral honors at Jacksonville; and whereas, these events excite afresh the grief with which every heart was penetrated when the mournful intelligence of their fall on the bloody field of Buena Vista was first spread among us; and whereas, it is the custom of all civilized nations to honor their illustrious dead, and especially those who have gallantly fought and gloriously fell in the service of their country; and whereas, it is deemed highly right and proper in itself, as well as promotive of the spirit which ought to animate a free people, that we should commemorate, if not by costly monuments, at least by a spontaneous expression of feeling, the heroic deeds and manly virtues of the deceased; it is, therefore, by this convention

*Resolved*, That we do cordially sympathize with the friends and families of the slain, who, by this awful visitation, have sustained a loss which all the honors of the world cannot deprive of its bitterness.

*Resolved*, That we sincerely mourn the loss of the state, in the death of Hardin, Zabriskie, Houghton, and others, who have so largely contributed to the lustre of her arms, and the glory of her name.

*Resolved*, That in the death of Col. Hardin, we sincerely mourn the loss sustained by the state, in being deprived of a citizen who had deservedly acquired the respect and the affection of the people, and a statesman whose distinguished ability and integrity were justly admired by all.

*Resolved*, That this convention, in honor of those who have so gloriously fallen in the service of their country, do adjourn, so soon as information is received of the arrival of the remains of the deceased at Jacksonville, for the purpose of joining in the celebration of the funeral ceremonies of the lamented Hardin and Zabriskie.

On motion of Mr. Campbell of Jo Daviess,

*Resolved, unanimously*, That this convention, in testimony of their deep sense of the loss the state has sustained in the death of the lamented Hardin, and other volunteers who have fallen in the service of their country, will wear crape on the left arm for thirty days.

On motion of Mr. Brown,

*Resolved, unanimously*, That copies of the foregoing preamble and res-



olutions, signed by the president and secretary, be transmitted by the secretary to the families of the deceased.

On motion,

The convention adjourned to three o'clock. P. M.

THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

On motion of Mr. Singleton,

Leave of absence was granted to Mr. Brockman for six days.

On motion of Mr. Archer,

The convention resolved itself into a committee of the whole, again to consider the report of the committee on the Legislative Department—Mr. Woodson in the chair.

The question pending when the committee rose on yesterday, was on agreeing to the substitute proposed by Mr. Harding for the proposed section offered by Mr. Thomas.

Mr. Harding withdrew the proposed substitute.

On motion of Mr. Bond.

The proposed section was amended by striking out the word "such," in the seventh line, and by inserting in lieu thereof, the words "the nearest," and, also, by striking out the words "in the same judicial circuit," in the eighth line.

Mr. McCallen moved the following as a substitute for the proposed section:

"No district shall elect more than one representative."

The question was taken, and the amendment not agreed to.

The question was taken, and the proposed section agreed to.

On motion of Mr. Archer.

The 33d section was amended by adding at the end of said section, the following:

"The legislature shall provide for the publication of said law for three months at least before the vote of the people shall be taken upon the same."

Mr. Kenner moved further to amend the same section by striking out all before the word "unless," in the fourth line, and insert in lieu thereof the following:

"The state shall not have power to contract debts."

Mr. Sim proposed as a substitute for the amendment the following:

To strike out all after the word "state," in the first line, to the word "except," in the second line, and insert in lieu thereof the following:

"Shall have no power to borrow money."

And to strike out the words "shall be contracted," and to insert after the word "same," in the fourth line, the words "setting forth the amount, also the particular purpose for which the same is required."

The question was taken, and the proposed substitute agreed to.

Mr. Edwards of Sangamon moved the following as a substitute for the



amended amendment, to be inserted at the commencement of the section:

"The expenditures of the government for any given period shall never exceed the amount of revenue authorized by law, to be raised in such time provided," and, also, to strike out the word "but," in the first line.

The question was taken, and the substitute agreed to.

Mr. Thomas moved to amend the amendment as amended, by striking out the word "period," and inserting the word "year."

The question was taken, and the amendment to the amendment not agreed to.

The question was taken, and the amendment as amended was agreed to.

Mr. Hayes moved to amend the same section by striking out all after the word "contracted," in the fourth line.

The question was taken, and the amendment not agreed to.

Mr. Sharpe proposed to amend the same section by striking out the words "the law authorizing the same shall," in the fourth line, and insert in lieu thereof the following:

"The same shall be authorized by law for some single object or work, to be distinctly specified therein; which law shall specify the ways and means, exclusive of loans, to pay the interest of such debt or liability as it falls due, and also to pay the principal within — years from the time of contracting thereof, and such law shall be irrevocable until such debt or liability is fully paid and discharged, and all money raised by the authority of such law shall be applied only to the specific object stated therein, and to the payment of the debt thereby created, and which law shall."

The question was taken, and the amendment not agreed to.

Mr. Powers moved to amend the same section, as amended, by adding thereto the following:

"And provision shall be made at the time for the payment of the interest annually as it shall accrue, by a tax levied for the purpose, or from other sources of revenue."

Mr. Harvey moved to amend the amendment by substituting therefor the following:

"Nor unless such law shall impose and provide for the collection of an annual tax sufficient to pay the interest on such debt as it falls due, and the principal in ten years, such law shall be irrevocable till such debt be fully paid."

The question was taken, and the amendment not agreed to.

On motion of Mr. Hayes,

The following proviso was added to the amendment:

"*Provided further*, the law levying the tax shall be submitted to the people with the law authorizing the contracting of the debt."

Mr. Shumway moved that the committee rise, report progress, and ask leave to sit again.

The question was put, and the motion not agreed to.

On motion of Mr. Harvey,

The amendment, as amended, was further amended by inserting after the word "revenue," the words "which said law shall be irrevocable."

The question was taken, and the amendment as amended agreed to.



Mr. Scates moved to amend the same section, as amended, by striking out the words "contract debts," in the first line, and inserting in lieu thereof the words "borrow money."

Mr. Knapp of Scott called for a division of the question.

The question was taken on striking out, and decided in the negative.

Mr. Kenner moved to strike out all after the word "purpose," in the second line, to the word "unless," in the fourth line of the same section, as amended.

The question was taken, and the amendment not agreed to.

On motion of Mr. Thornton,

The same section, as amended, was further amended by inserting after the word "dollars," in the second line, the following:

"And the moneys thus borrowed shall be applied to the purpose for which they were obtained, or to re-pay the debt thus made, and to no other purpose."

Mr. Kenner moved to amend the same section, as amended, by striking out the words "and against it," in the fifth line, and inserting in lieu thereof the words "members of the general assembly."

The question was taken, and the amendment agreed to.

On motion of Mr. Logan,

The committee rose, reported progress, and asked leave to sit again; which was granted.

On motion,

The convention adjourned to to-morrow morning at nine o'clock.

### FRIDAY, JULY 9, 1847.

The convention assembled pursuant to adjournment.

Prayer by Rev. Mr. Bailey.

The journal of yesterday was read.

Mr. Hawley presented the petition of John Houston and twenty-seven others, citizens of Crawford county, praying that provision may be made in the new constitution for a state superintendent of public instruction with a liberal salary.

Mr. Spencer presented the petition of David B. Lamberson and twenty others, citizens of Rock Island county, praying for a like provision.

On motion, the petitions, without reading, were referred to the committee on Education.

The president laid before the convention a communication from His Excellency, the Governor; which was read, as follows:

"EXECUTIVE DEPARTMENT,

Springfield, July 8, 1847.

*To the President of the Constitutional Convention:*

SIR: In compliance with a resolution of said convention, I have the honor to transmit, herewith, a statement of the public debt of the state of Illinois so far as the same appears of record in the office of the fund commissioner

I have the honor to be, very respectfully,

Your obedient servant,

A. C. FRENCH,

*Ex officio Fund Commissioner.*



*Outstanding State Debt of Illinois.*

Bank and internal improvement bonds,	-	-	\$1,075,000
Internal improvement bonds,	-	-	3,644,000
Sterling bonds,	-	-	594,00
State house bonds,	-	-	92,000
Internal improvement scrip,	-	-	655,000
Wiggins' loan,	-	-	100,000
Due State Bank of Illinois, August 14, 1845,	-	-	85,380

Interest on same, July 1, '41 to July 1, '47,	-	-	\$6,245,380
			2,248,372

---

\$8,493,752

Deduct {	Taken up of bonds and scrip,	\$117,671	
	On sale of railroad,	-	21,100
	For settlement with Macalister and Stebbins, interest bonds, scrip, &c.,	-	190,000
			<hr/> 328,771

Total internal improvement debt,	\$8,164,981
----------------------------------	-------------

Total amount of canal debt up to December 1, '46, including interest. (See Reports 1846-'7, page 100.)	\$6,009.187 57
--	----------------

*Recapitulation.*

Internal improvement debt, &c.	-	-	\$8,164,981 00
Canal debt, (exclusive of the \$1,600,000.)	-	-	6,009,187 57

			\$14,174,168 57
Deduct amount paid as interest on public debt,	-	-	131,550 35

Total,	-	-	<hr/> \$11,042,618 22
--------	---	---	-----------------------

Total amount of school, college, and seminary funds. (See auditor's report, session '46 and '7, page 53.)	-	-	\$870,202 33
---	---	---	--------------

Mr. Z. Casey moved to lay the communication and accompanying documents on the table, and that 5,000 copies thereof be printed for the use of the convention.

Mr. Thomas moved 1,000 copies.

Mr. Stadden moved 2,000 copies.

Mr. Campbell of McDonough moved 3,000 copies.

The question was successively taken on printing 5,000, 3,000, and 2,000 copies, and decided in the negative.



The question was taken on laying the communication and accompanying documents on the table, and printing 1,000 copies thereof, and decided in the affirmative.

On motion of Mr. Hogue,

The convention resolved itself into a committee of the whole, again to consider the report of the committee on the Legislative Department—Mr. Woodson in the chair.

Mr. Sharpe moved to take up the motion of Mr. Hogue to strike out the 31st section as amended.

The question was put, and the motion not agreed to.

Mr. Thomas moved to amend the 35th section by inserting the word "binding," after the word "printing."

The question was put, and the amendment agreed to.

Mr. Butler moved to strike out the 35th section.

Mr. Churchill moved to amend the same section by inserting between the words "fuel and" the word "lights."

The question was taken and the amendment not agreed to.

Mr. Northcott moved to amend the same section by adding the following proviso:

*"Provided, That no private acts shall be printed at the public expense."*

The question was taken and the amendment not agreed to.

Mr. Edwards of Sagamon moved to amend the same section by adding thereto the following proviso:

*"Provided, That no private acts shall be printed at the public expense unless by a vote of three-fourths of each house of the general assembly."*

Mr. Turnbull moved to amend the amendment by substituting therefor the following:

*"Provided further, that every private act shall be published at the expense of the person for whose benefit the same is passed, and no such act shall take effect until published."*

The question was taken, and the substitute was not agreed to.

The question was taken, and the amendment not agreed to.

Mr. Dawson moved further to amend the same section by inserting after the word "state," in the fourth line, the word "shall."

The question was put, and the amendment agreed to.

Mr. Brown moved to strike out the word "copying," in the second line of the same section.

The question was taken, and the amendment not agreed to.

Mr. Scates moved to amend the same section by striking out the word "of," in the second line and inserting in lieu thereof the words "and all other printing ordered by."

The question was taken, and the amendment agreed to.

Mr. Edwards of Sangamon moved to amend the same section by adding thereto the following proviso:

*"Provided, that the General assembly may fix a maximum price."*

Mr. Knapp of Jersey moved to substitute for the amendment the following:

*"Provided, that the legislature shall have the right to determine whether the lowest responsible bidder, as contemplated in this section shall be rea-*



sonable in its amount, and as low as could be obtained by private contract."

The question was taken, and the substitute rejected.

The question was taken on agreeing to the proviso, and decided in the affirmative.

The question was taken on striking out the section and decided in the negative.

Mr. Singleton moved to take up his motion to re-consider the vote by which the committee of the whole refused to insert the words "five years in the state and" after the word "resided," in the third line of the third section.

The question was put, and the motion agreed to.

The question was put, and the motion to reconsider not agreed to.

On motion of Mr. Sharpe,

The motion made by Mr. Hogue, which was informally passed over some days since, to strike out the 31st section, was taken up.

Mr. Sharpe moved to strike out the whole section as amended, and insert in lieu thereof the following:

"The legislature shall not have power to provide by law for the sale of non-resident lands for taxes, until judgment shall first be had against the same."

Mr. Palmer of Macoupin moved that the committee rise, report progress, and ask leave to sit again.

The question was put, and decided in the negative.

Mr. Archer renewed the same motion.

The question was put, and decided in the negative.

The question was put, on agreeing to the substitute proposed by Mr. Sharpe, and decided in the negative.

On motion of Mr. Williams,

The same section, as amended, was further amended by inserting after the word "process" the words "or otherwise."

On motion of Mr. Logan,

The same section, as amended, was still further amended by striking out the word "court" and inserting the words "by some usual and regular judicial tribunal," in lieu thereof.

The question was then taken upon the motion of Mr. Hogue, to strike out the section and decided in the negative.

On motion of Mr. Z. Casey,

The committee rose, reported back the report of the committee on the Legislative Department, with sundry amendments, and asked the concurrence of the convention therein.

On motion of Mr. Thomas,

The report, as amended, was laid on the table, and 200 copies ordered to be printed for the use of the convention.

On motion,

The convention adjourned until 3 o'clock, P. M.



THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

On motion of Mr. Lockwood,

The convention resolved itself into a committee of the whole, to consider the report of the committee on the Executive Department—Mr. Train in the chair.

Mr. Lockwood moved to amend the second section, by adding thereto the following, before the words "the governor," in the first line:

"The first election of governor shall be held on the first Monday of November, 1848, and the next election shall be held on the first Monday of November, 1852, and forever thereafter elections for governor shall be held once in four years, on the first Monday of November."

Mr. Dale moved to amend the amendment by striking out the words "1852," and insert in lieu thereof the words "1850," and by striking out "four" and inserting "two."

The question was taken, and the amendment to the amendment not agreed to.

The question was taken and the amendment agreed to.

Mr. Lockwood moved to amend the third section by substituting herefor the following:

"SEC. 3. The first governor shall enter upon the duties of his office on the second Monday of January, 1849, and shall hold his office until the second Monday of January, 1853, and until another governor shall be elected and qualified to office; and forever after the governor shall hold his office for the term of four years and until another governor shall be elected and qualified, but he shall not be eligible for more than four years in any term of eight years."

Mr. Cross of Winnebago moved to amend the amendment by striking out all after the last word "qualified."

The question was taken, and the amendment to the amendment rejected.

The question was taken, and the amendment agreed to.

Mr. Farwell moved to reconsider the vote taken on agreeing to the amendment added to the second section; which motion lies over one day, under the rule.

Mr. Edwards of Sangamon moved to add to the third section as amended the following:

"Nor to any other office until after the expiration of his term for which he was elected."

The question was taken, and the amendment agreed to.

Mr. Pratt moved to strike out the 4th section and insert in lieu thereof the following:

"No person except a citizen of the United States, and who shall have been a resident of this state for the period of five years next preceding his election shall be eligible to the office of governor; neither shall any person be eligible to that office who shall not have attained the age of thirty years."



The question was taken, and the amendment not agreed to.

Mr. Lemon moved to amend the same section by striking out the word "thirty-five," and inserting in lieu thereof the words "forty-five."

The question was taken, and the amendment not agreed to.

On motion of Mr. Scates,

The same section was amended by striking out all after the word "except," in the first line, the words "a natural born citizen or," and by striking out the words "at the adoption of this constitution."

Mr. Logan moved to further amend the same section by adding thereto the words: "and have been a citizen of the United States fifteen years."

On motion of Mr. Campbell of Jo Daviess,

The committee rose, by Mr. Crain, their chairman, reported progress and asked leave to sit again; which was granted.

On motion,

The convention adjourned until to-morrow morning, at nine o'clock.

## SATURDAY, JULY 10, 1847.

The convention assembled pursuant to adjournment.

Prayer by Rev. Mr. Brown.

The journal of yesterday was read.

On motion of Mr. Whitney,

Leave of absence was granted to Mr. Adams for ten days, in consequence of sickness in his family.

Mr. Knowlton presented the petition of Asahel Wilmot, and seventy seven others, citizens of Peoria and Marshall counties, praying that provision may be made in the new constitution for a superintendent of public instruction, with a liberal salary; which, without reading, was referred to the committee on Education.

Mr. Nichols presented the petition of John Brown, and twenty-two others, praying that effective provision may be made for the exemption of a homestead of 160 acres of land, or a town lot of one acre, with the improvements, from mortgage and forced sale, for any debt or liability entered into from and after the adoption of the constitution; which was read, and, on his motion, referred to the committee on Law Reform.

Mr. Thomas moved to take from the table a resolution introduced by him some days since in relation to additional rules.

The question was taken, and decided in the affirmative.

On motion of Mr. Thomas,

The resolution was referred to the same committee first raised on the subject of rules.

Mr. Hayes offered the following:

*Resolved*, That all the subjects which have been referred to the committee of the whole convention be taken from that committee, and hereafter the use of committees of the whole in the deliberations of this body shall be discontinued.

Mr. Hayes moved to refer the resolution to the same committee to which was referred the resolution of Mr. Thomas.



The question was taken, and decided in the negative.

Mr. Hayes then withdrew the resolution.

On motion of Mr. Lockwood,

The convention resolved itself into a committee of the whole, again to consider the report of the committee on the Executive Department—Mr. Crain in the chair.

The question pending when the committee rose on yesterday, was on the amendment offered by Mr. Logan to the fourth section.

Mr. Logan modified the amendment by striking out the word "fifteen," and inserting in lieu thereof the word "fourteen."

The question was taken, and the amendment as modified was agreed to.

Mr. Markley moved further to amend the same section, by striking out the word "five."

The question was put, and the amendment rejected.

Mr. Markley moved to reconsider the vote taken on the amendment offered by Mr. Logan; which lies over one day.

Mr. Whitney moved to reconsider the vote just taken on the amendment proposed by Mr. Markley; which lies over one day.

Mr. Jones moved further to amend the same section by striking out the words "at the time of the adoption of this constitution."

The question was taken, and the amendment agreed to.

Mr. Shumway moved to amend the fifth section further by striking out the words "twelve hundred and fifty," and insert in lieu thereof the words "one thousand."

Mr. Cross of Winnebago moved to amend the amendment by striking out the words "one thousand," and inserting in lieu thereof the words "two dollars per day for the first forty-two days, and one dollar per day for each day's actual service thereafter."

The question was taken, and the amendment to the amendment agreed to.

The question recurred on the amendment as amended, when,

Mr. Edwards of Sangamon called for a division, so as to take the vote first on striking out.

The question was taken on striking out, and decided in the negative.

Mr. Knapp of Jersey offered the following as a substitute for the fifth section:

"That the governor shall receive the sum of fifteen hundred dollars per annum for his services as governor, and which sum shall not be increased or diminished."

Mr. Dale moved to amend the amendment by striking out the words "fifteen hundred," and insert in lieu thereof the words "one thousand."

Mr. Vance called for a division, so as to take the question first on striking out the words "fifteen hundred."

The question was taken on striking out, and decided in the affirmative.

The question was taken on inserting the sum of "one thousand," and decided in the negative.

Mr. Campbell of Jo Daviess moved to amend the amendment by substituting therefor the following:

"The governor shall reside at the seat of government, and receive for



his salary the sum of two thousand dollars per annum, which shall not be increased or diminished, and he shall be *ex officio* fund commissioner."

On motion of Mr. Logan,

The committee rose, reported progress, and asked leave to sit again which was granted.

On motion,

The convention adjourned until Monday morning, at 9 o'clock.

### MONDAY, JULY 12, 1847.

Convention assembled pursuant to adjournment.

Prayer by Rev. Mr. Palmer of Marshall, a member.

The journal of yesterday was read.

Mr. Lockwood offered the following, to be added to the revised constitution, as an article in relation to taxation:

Hereafter no purchaser of any land or town lot, at any sale of lands or town lots for taxes due, either to this state, or any county or incorporated town or city within the same, or at any sale for taxes or levies authorized by the laws of this state, shall be entitled to a deed for the land or town lot so purchased, until he or she shall have complied with the following conditions, to wit: such purchaser shall serve, or cause to be served, a written notice of such purchase on every person in possession of such land or town lot, three months before the expiration of the time of redemption on such sale, in which notice he shall state when he purchased the land or town lot, the description of the land or lot he has purchased and when the time of redemption will expire. In like manner he shall serve on the person or persons, in whose name or names such land or lot is or are taxed, a similar written notice if such person or persons shall reside in the county where such land or lot shall be situated. And in the event the person or persons, in whose name or names the land or lot is taxed, do not reside in the county, such purchaser shall publish such notice in some newspaper printed in such county, and if no newspaper is printed in the county, then in the nearest newspaper that is published in this state to the county in which such land or lot is situated, which notice shall be inserted three times, the last time not less than three months before the time of redemption shall expire. Every purchaser, by himself or agent, shall, before he shall be entitled to a deed, make an affidavit of his having complied with the conditions of this section, which shall be delivered to the person authorized by law to execute such tax deed, and which shall by him be filed with the clerk of the circuit court of the county where such land or lot shall lie, to be by such clerk carefully preserved among the files of his office. Any person swearing falsely in any such affidavit shall be deemed guilty of perjury and punished accordingly. In case any purchaser shall be compelled under this section to publish a notice in a newspaper, then, before any person who may have a right to redeem such land or lot from such tax sale shall be permitted to redeem, he or she shall pay the officer or person who, by law, is authorized to receive



such redemption money, the printer's fee for publishing such notice and the expense of swearing or affirming to the affidavit and filing the same.

On motion of Mr. Hurlbut,

The proposed article was laid on the table, and 200 copies ordered to be printed for the use of the convention.

Mr. Scates, from the committee on the Judiciary Department, made the following report:

Mr. President: The committee on the Judiciary, to which have been referred so much of the present constitution as relates to that department of the government, together with various resolutions of enquiry relative to the expediency of sundry changes, amendments, and modifications in the organization of that department; and, also, in relation to attorney general, and state's attorneys, and county attorneys, &c., have had those several subjects under consideration, and have directed me to report the following article to be inserted in the constitution:

### ARTICLE —.

SECTION 1. The judicial power of this state shall be vested in one supreme court, in circuit courts, and in such inferior courts as the legislature shall, from time to time, ordain and establish.

SEC. 2. The supreme court shall have appellate jurisdiction only, except in cases relating to the revenue; and power to issue writs of *habeas corpus*, *mandamus*, *prohibition*, *quo warranto*, *informations*, in the nature of writs of *quo warranto* and *certiorari*, and to hear and determine the same, and in such cases of impeachment as may be required to be tried before it.

SEC. 3. The supreme court shall consist of one chief justice, and two associate justices, who shall be not less than thirty-five years of age, and shall receive a salary of twelve hundred dollars per annum each, and no more, payable quarterly.

SEC. 4. The justices of the supreme court shall be elected by the qualified voters of the state on the first Monday of March after the adoption of this article; returns whereof shall be made to the secretary of state, who shall count the same in the presence of the governor and auditor, or either of them; the three persons having the highest number of votes shall be elected.

SEC. 5. The secretary of state shall, in the presence of the same persons, draw the names of the said justices by lot; the justice whose name is first drawn, shall be chief justice, and hold his office for six years; the second drawn, shall hold his office four years; the other two years; and each until his successor is commissioned and qualified. Thereafter, an election shall be held every two years, on the first Monday of March, for one justice of the supreme court, who shall hold his office six years, and until his successor is qualified. After the term of the first chief justice expires, the justice oldest in commission shall be chief justice.

SEC. 6. One term of the supreme court shall be held annually, in each judicial circuit, at such time and place as may be provided by law.

SEC. 7. There shall be twelve judicial circuits, which may be increased from time to time, as the legislature may provide.



SEC. 8. At the first election for justices of the supreme court, and on the first Monday of March every six years thereafter, the qualified electors of each judicial circuit shall elect a judge for said circuit, who shall be not less than thirty years of age, and resident in said circuit; returns whereof shall be made and canvassed as provided in section four. They shall hold their offices for six years, and until their successors are qualified, and each shall receive a salary of one thousand dollars per annum, and no more, payable quarterly.

SEC. 9. The governor shall fill by appointment all vacancies that may happen in the supreme or circuit courts within one year of the expiration of the term, otherwise he shall issue a writ for a special election; returns whereof shall be made and canvassed, as provided in section four.

SEC. 10. No person holding an office of honor, trust, or profit, under the government of the United States or this state, shall be eligible to a judicial office in a court of record during the time for which he was appointed to said office. Nor shall any justice or judge of the supreme or circuit court be eligible to any other than a judicial office, during the time for which he may have been elected or appointed.

SEC. 11. For any reasonable cause, which shall not be sufficient ground for impeachment, both justices and judges shall be removed from office on the address of two-thirds elected to each branch of the general assembly; *Provided, always*, that no member of either house of the general assembly shall be eligible to fill the vacancy occasioned by such removal.

SEC. 12. The governor shall commission the justices and judges for the terms as provided in this article.

SEC. 13. Two or more terms of the circuit court shall be held annually in each county.

SEC. 14. At the first election of justices of the supreme court, and every two years thereafter, a clerk of the circuit court of each county shall be elected by the qualified voters thereof.

SEC. 15. The clerk of the circuit court of the county in which the supreme court shall sit shall be clerk of the supreme court for that judicial circuit.

SEC. 16. A competent number of justices of the peace shall be elected by the people in each county, in such manner as the general assembly may direct, whose term of service, powers, and duties shall be regulated and defined by law, with jurisdiction not exceeding one hundred dollars. They shall be commissioned by the governor.

SEC. 17. At the first election for justices of the supreme court, and every two years thereafter, an attorney general shall be elected by the electors of the state, who shall be commissioned by the governor, hold his office two years, and receive an annual salary of five hundred dollars, payable quarterly; and whose duties shall be prescribed by law.

SEC. 18. At the first election for judge of the circuit court, and every two years thereafter, there shall be elected, by the voters of each circuit a state's attorney, who shall be commissioned by the governor, hold his office for two years, and receive an annual salary of four hundred dollars payable quarterly, and whose duties shall be prescribed by law.

On motion of Mr. Markley,



The report was laid on the table, and 200 copies ordered to be printed for the use of the convention.

Mr. Scates, from the Judiciary committee, which was instructed to inquire into the expediency of sundry propositions, and to which was also referred sundry resolutions and communications, reported the same back, and asked to be discharged from the further consideration thereof.

The question was taken, and the committee discharged.

Messrs. Davis of Massac and Wead, from the minority of the committee on the Judiciary, made the following report:

## ARTICLE —.

SECTION 1. The judicial power of this state shall be vested in one supreme court, in circuit courts, in justices of the peace, and in such other courts as the legislature may, from time to time, establish.

SEC. 2. The supreme court shall consist of three judges, any two of whom shall form a quorum; and the concurrence of two of said judges shall, in all cases, be necessary to a decision.

SEC. 3. The state shall be divided into three grand divisions, as nearly equal as may be, and the qualified electors of each division shall elect one of said supreme judges for the term of six years. The legislature may change or alter said divisions to meet the exigencies of the people.

SEC. 4. The office of one of said judges shall be vacated in two years, of one in four years, and of one in six years, to be decided by lot, so that one of said judges shall be elected once in every two years. The judge having six years to serve shall be the first chief justice, after which the judge having the oldest commission shall be chief justice.

SEC. 5. The supreme court shall have appellate jurisdiction only, except in cases relating to the revenue, in cases of *mandamus*, and to grant writs of *habeas corpus*, *certiorari*, *quo warranto*, informations in the nature of *quo warranto*, and all other remedial writs, and hear and determine the same.

SEC. 6. The supreme court shall sit at least once in each year in each of the three grand divisions in this state, and in such other places as may be prescribed by law.

SEC. 7. The state shall be divided into twenty judicial districts, in each of which one circuit judge shall be elected by the qualified electors thereof, who shall hold his office for the term of four years, and until his successor shall be commissioned and qualified.

SEC. 8. There shall be four terms of the circuit court held in each county in this state, in each year; and said circuit courts shall have jurisdiction in all cases at law and in equity, in prosecution for crimes and misdemeanors, and in cases of appeal from all inferior courts.

SEC. 9. All vacancies in the supreme and circuit courts shall be filled by election as aforesaid; *Provided, however*, that if the unexpired term does not exceed one year, the vacancy shall be filled by executive appointment.

SEC. 10. The justices of the supreme court shall receive a salary of twelve hundred dollars per annum, payable quarterly, and no more. The



judges of the circuit courts shall receive a salary of five hundred dollars per annum, payable quarterly, and a docket fee of one dollar per annum, payable quarterly, and a docket fee of one dollar in each cause entered on the docket of said court, except for the allowance of claims in probate cases not litigated, and in suits instituted in former pauperies; which docket fee shall, in all cases, be advanced before the cause shall be entered on the docket of said court.

SEC. 11. No person shall be eligible to the office of judge of any court in this state, who is not a citizen of the United States, who shall not have resided in this state two years next preceding his election, and who shall not, at the time of his election, reside in the division or circuit where elected. No judge shall, during the term for which he shall have been elected, and two years thereafter, be eligible to any office or place of trust except a judicial office.

SEC. 12. Any judge of the supreme court may be removed from office, by address of both houses of the legislature, if two-thirds of all the members of each house concur therein, but no removal shall be made unless the party complained of shall have been served with a copy of the complaint, against him, and shall have had an opportunity of being heard in his defence.

SEC. 13. There shall be elected by the qualified voters of this state one attorney general, who shall hold his office for the term of two years, and until his successor shall be commissioned and qualified. He shall perform such duties, and receive such fees as may be prescribed by law. He shall also receive a salary of five hundred dollars per annum, payable quarterly.

SEC. 14. There shall be elected in each of the judicial circuits by the qualified electors thereof, one prosecuting attorney, who shall hold his office for the term of two years, and until his successor shall be commissioned and qualified, who shall perform such duties, and receive such fees as may be prescribed by law. Each of said prosecuting attorneys shall receive a salary of two hundred dollars per annum, payable quarterly.

SEC. 15. The qualified electors of each county in this state shall elect a clerk of the circuit court, who shall hold his office for the term of two years, and until his successor shall be commissioned and qualified, who shall perform such duties and receive such compensation as may be prescribed by law. The clerk of the circuit court in the county where the supreme court shall sit, shall be clerk of the supreme court.

SEC. 16. The qualified electors of the several townships or districts of this state shall elect a competent number of justices of the peace, who shall hold their offices for the term of two years, and until their successors shall be commissioned and qualified, who shall perform such duties, receive such compensation, and exercise such jurisdiction, (not exceeding one hundred dollars in civil cases,) as may be prescribed by law.

SEC. 17. The general assembly shall provide by law, in what manner and for what cause the attorney general, the prosecuting attorneys, the clerks of the circuit and supreme courts, and justices of the peace, or any of them, may be removed from office, but all vacancies in either of said offices shall be filled by election; *Provided, however,* that if the unexpired



term do not exceed one year, the vacancy shall be filled in such manner as may be provided by law.

SEC. 18. An election for the several officers named in this article shall be held on the second Monday in March next, after the adoption of this constitution, and every two years thereafter.

Mr. Peters moved that the report be laid on the table, and 200 copies ordered to be printed for the use of the convention.

Mr. Campbell of Jo Daviess moved 1000 copies.

The question was taken on printing 1000 copies, and decided in the negative.

The question was taken on the motion to print 200 copies, and decided in the affirmative.

On motion of Mr. Campbell of Jo Daviess,

A call of the convention was ordered.

The call was proceeded in, and a quorum being found to be present, on motion, further proceedings under the call were dispensed with.

On motion of Mr. Markley,

Leave of absence was granted to Mr. Kreider for six days.

On motion of Mr. Armstrong,

Leave of absence was granted to Mr. Morris for six days.

On motion of Mr. Geddes,

Leave of absence was granted to Messrs. Sharpe and Miller for eight days.

Mr. Hurlbut, from the minority of the committee on the Judiciary Department, reported the following additional sections:

SEC. —. There shall be in each county in this state a county court, to consist of one judge, to be called the county judge, who shall be elected by the qualified voters of the county on the same day fixed for the election of other judicial officers, and hold office for the term of four years, and until his successor shall be elected and qualified.

SEC. —. The jurisdiction of the county court shall extend to all matters of wills, intestacy, and the settlement of estates as usually conferred on courts of probate—to all suits arising from questions of roads, bridges, and county revenue—to the issuing and determining writs of "*ad quod damnum*," and to all clauses upon the county an appeal upon certificate to the circuit court.

SEC. —. The terms of said county court shall be held quarterly; and the county judge shall receive a salary of two hundred dollars per annum, in all counties where the population is less than 10,000; of three hundred dollars, per annum, where the population exceeds 10,000, but is less than 15,000; and four hundred dollars where the population exceeds 15,000; to be paid quarterly out of the county treasury.

SEC. —. The recorder of each county shall be clerk of the county court, and shall receive no fees as clerk, except for certificates and transcripts of records in said court.

SEC. —. Nothing in the preceding sections contained shall be held to prevent the legislature from establishing in any city or county, courts of jurisdiction concurrent with the circuit courts, when desired by a majority of the qualified voters of the city or county, and to be maintained and supported by the treasury of such city or county.



Mr. Rountree offered the following as a substitute for the report offered by Mr. Hurlbut:

SEC. 1. There shall be established in each of the counties in this state, now organized, or hereafter to be created, a court of record of the counties, respectively, to be composed of the justices of the peace of the said counties, respectively.

SEC. 2. The said county court shall have power and jurisdiction in all matters relating to county taxes, disbursement of money for county purposes, roads, bridges, and every other case that may be necessary to the internal improvement and local concerns of the county.

SEC. 3. Said courts shall have jurisdiction in all matters relating to the settlement of the estates of deceased persons, executors, administrators, and guardians; and such other powers and jurisdiction as the general assembly shall from time to time prescribe by law; *Provided*, that any number of said justices of the peace, not less than three, shall constitute a quorum to do business, under such regulations as may be prescribed by law.

SEC. 4. There shall be elected in each of the counties now established, and in such as may hereafter be established in this state, by the qualified voters of such counties, one clerk of said county court, who shall be *ex officio* recorder of deeds, one clerk of the circuit court, one sheriff, one coroner, one county surveyor, and such number of justices of the peace, constables, and other officers and agents as may be necessary to conduct the business of said counties, respectively, whose powers and duties shall be regulated by law.

SEC. 5. The justices of the peace, clerks of the different courts, sheriffs, coroners, and surveyors, shall hold their offices for two years and until their successors are duly elected and qualified, until the end of the session of the general assembly to be begun and held on the first Monday in January, eighteen hundred and fifty-three, after which time the term of office of said respective officers shall be fixed by law.

Mr. Knapp of Scott moved to refer the report made by Mr. Hurlbut, and the substitute offered therefor by Mr. Rountree, to the committee on Miscellaneous Subjects and Questions.

Mr. Kenner moved to lay the report on the table, and that 200 copies of them be printed for the use of the convention.

The question was taken on the last motion, and decided in the affirmative.

Mr. Scates moved to amend the motion so as to include the substitute.

The question was taken, and decided in the affirmative.

The question was taken upon the motion, as amended, and decided in the affirmative.

Mr. Dawson offered the following:

*Resolved*, That the rules be so amended as that a majority shall constitute a quorum of this convention to do business, until the 20th inst., and thereafter no leave of absence shall be granted to any member of this convention but for sickness of himself or family.

Mr. Wead moved to amend the resolution by striking out so much of the resolution as relates to leave of absence.



On motion of Mr. Peters,

The resolution and amendment were laid on the table.

On motion of Mr. Scates,

The convention resolved itself into a committee of the whole, again to consider the report of the committee on the Executive Department—Mr. Crain in the chair.

The question pending when the committee rose on Saturday, was on the substitute offered by Mr. Campbell of Jo Daviess, in lieu of the substitute offered by Mr. Knapp of Jersey, for the fifth section.

Mr. Campbell of Jo Daviess modified his substitute so as to strike out the words "two thousand dollars."

The question was taken on the substitute for the substitute offered by Mr. Knapp of Jersey, and decided in the affirmative.

Mr. Campbell of Jo Daviess moved to fill the blank in the amended substitute with the words "fifteen hundred dollars."

Mr. Davis of Montgomery moved "one thousand dollars."

Mr. Thomas moved "two thousand dollars."

The question was successively taken on inserting "two thousand dollars," "fifteen hundred dollars," and "one thousand dollars," and decided in the negative.

Mr. Jones moved that the committee rise, report progress, and ask leave to sit again.

The question was taken, and decided in the negative.

Mr. Norton moved to fill the blank with "fourteen hundred dollars."

Mr. Knowlton moved "fourteen hundred and fifty dollars."

Mr. Geddes moved "twelve hundred and fifty dollars."

Mr. Harding moved "twelve hundred dollars."

The question was successively taken on "fourteen hundred and fifty dollars," and "fourteen hundred dollars," and decided in the negative.

The question was successively taken on inserting "twelve hundred and fifty dollars," and "fourteen hundred dollars," and decided in the negative.

Mr. Geddes moved that the committee rise, report progress, and ask leave to sit again.

The question was taken, and decided in the negative.

Mr. Akin moved to fill the blank with "eight hundred dollars."

The question was taken on inserting the words "twelve hundred and fifty dollars," and decided in the affirmative.

On motion of Mr. Thomas,

The committee rose, reported progress, and asked leave to sit again; which was granted.

On motion,

The convention adjourned to three o'clock. P. M.

THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

On motion of Mr. Shumway,

A call of the convention was ordered. While the call was pending,



Mr. Campbell of Jo Daviess moved that the convention adjourn until Thursday, three o'clock, P. M.

The question was taken, and decided in the negative.

The call having been proceeded in for some time, and a quorum being present,

On motion of Mr. Z. Casey,

Further proceedings under the call were dispensed with.

Mr. Lockwood moved to take from the table the resolution offered this morning by Mr. Dawson in relation to a quorum, &c.

The question was taken, by yeas and nays,

And decided in the negative,	{ Yeas,	:	:	:	:	41
	{ Nays,	:	:	:	:	74

Those voting in the affirmative, are,

Mr. Allen	Mr. Jones	Mr. Peters
Atherton	Judd	Pinckney
Campbell of McDonough	Knapp of Jersey	Robbins
Choate	Knapp of Scott	Robison
Dale	Kinney of Bureau	Swan
Davis of Montgomery	Kinney of St. Clair	Shields
Davis of McLean	Lander	Sim
Dawson	Lemon	Thomas
Dunsmore	Lockwood	Thornton
Harding	Logan	Turner
Hay	Moffett	Tutt
Hill	Pace	Wead
Hunsaker	Palmer of Macoupin	Witt.
Jackson	Palmer of Marshall	

Those voting in the negative, are,

Mr. Akin	Mr. Geddes	Mr. Mason
Archer	Green of Clay	Mieure
Armstrong	Green of Jo Daviess	Moore
Blair	Grimshaw	Nichols
Blakely	Harlan	Oliver
Ballingall	Hatch	Pratt
Butler	Hawley	Powers
Crain	Heacock	Rives
Campbell of Jo Daviess	Henderson	Rountree
Carter	Hogue	Scates
F. S. Casey	Huston	Spencer
Z. Casey	Jenkins	Servant
Colby	Kenner	Sibley
Cross of Winnebago	Knowlton	Simpson
Cloud	Knox	Singleton
Davis of Massac	Lasater	Smith of Gallatin
Deitz	Laughlin	Shumway
Dunn	Linley	Thompson
Edwards of Madison	Loudon	Turnbull
Edwards of Sangamon	McCallen	Vernor
Eccles	McCully	West
Edmonson	McClure	Whiteside
Farwell	McHatton	Whitney
Frick	Manly	Worcester.
Graham	Markley	



Mr. Akin	Mr. Edmonson	Mr. McHatton
Allen	Farwell	Manly
Archer	Green of Clay	Markley
Ballingall	Hatch	Oliver
Butler	Hogue	Pace
Crain	Kinney of St. Clair	Rives
Campbell of Jo Daviess	Lasater	Robbins
Campbell of McDonough	Laughlin	Smith of Gallatin
Carter	Linley	Thompson
F. S. Casey	Loudon	Tutt
Z Casey	McCallen	Vernor
Colby	McCully	Whiteside.



Mr. Lockwood offered the following:

*Resolved*, That the rules be so amended that a majority of the members of the convention shall be a quorum to do business.

The question was taken, and the resolution rejected.

Mr. Campbell of Jo Daviess moved that the Rev. Mr. Hale be excused from further service as chaplain in this convention.

On motion of Mr. Singleton,

The motion was laid on the table.

Mr. Knapp of Scott offered the following:

*Resolved*, That this convention highly appreciate the services of the volunteers, both officers and privates, of this state, who have perilled their lives in the cause of our common country in the war with Mexico; that their fame is established upon an immovable basis, far above the reach of calumny, having earned for themselves a character that needs no vindication, and which cannot be impaired by detraction.

Mr. Campbell of Jo Daviess moved that the resolution be amended by adding to it the following:

“And that this convention highly deprecate all reflections prejudicial to the character of the volunteers, coming from the pulpit or any other source.”

Mr. Logan moved that the proposed amendment be amended by striking out the word “character,” and inserting instead, the words “courage or patriotism.”

And the question being put, the same was rejected.

The question was put upon the adoption of the amendment to the resolution, and decided in the affirmative.

Mr. Palmer of Macoupin moved the following as a substitute for the resolution as amended:

Whereas, all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences, and that no human authority can, in any case whatever, control or interfere with the rights of conscience; and whereas, liberty of speech is one of the invaluable rights of a free people, being responsible to the laws of the land for any abuse thereof; therefore,

*Resolved*, That while as individuals we do dissent from many of the positions assumed by the Rev. Mr. Hale, as they have been reported to this convention, we do disclaim all censorship over the pulpit, or the opinions expressed therefrom, inasmuch as such censorship is in violation of the rights of the Rev. gentleman, and beyond our legitimate sphere.

Mr. Campbell of Jo Daviess moved that the substitute be laid on the table.

Mr. Markley called for a division, so that the vote might be first taken on laying the resolution on the table.

The question was accordingly taken, by yeas and nays, upon laying the resolution, contained in the substitute, on the table,

And decided in the affirmative,	{	Yeas,	.	.	.	.	60
	{	Nays,	.	.	.	.	54



Those voting in the affirmative, are,

Mr. Akin	Mr. Farwell	Mr. Manly
Allen	Green of Clay	Markley
Archer	Hatch	Moffett
Armstrong	Henderson	Nichols
Blair	Hill	Oliver
Blakely	Hoes	Pace
Ballingall	Hogue	Pratt
Butler	Hunsaker	Rives
Crain	Huston	Robbins
Campbell of Jo Daviess	Jenkins	Rountree
Campbell of McDonough	Kinney of Bureau	Shields
Carter	Kinney of St. Clair	Simpson
F. S. Casey	Lasater	Smith of Gallatin
Z. Casey	Laughlin	Shumway
Choate	Linley	Turner
Cloud	Loudon	Tuft
Dale	McCallen	Vernor
Davis of Massac	McCully	Wead
Edmonson	McClure	Witt
Evey	McHatton	Whiteside.

Those voting in the negative, are,

Mr. Bond	Mr. Hawley	Mr. Palmer of Marshall
Brown	Heacock	Peters
Cross of Winnebago	Jackson	Pinckney
Church	Jones	Powers
Davis of Montgomery	Knapp of Jersey	Robinson
Davis of McLean	Knapp of Scott	Swan
Dawson	Kenner	Spencer
Deitz	Knowlton	Servant
Dunsmore	Knox	Sibley
Edwards of Madison	Lander	Sim
Edwards of Sangamon	Lemon	Singleton
Eccles	Lockwood	Thomas
Frick	Logan	Thompson
Graham	Matheny	Thornton
Geddes	Mieure	Turnbull
Grimshaw	Moore	West
Harding	Norton	Whitney
Harlan	Palmer of Macoupin	Worcester.

The question was taken, by yeas and nays, on laying the preamble on the table,

And decided in the negative,	{ Yeas,	: : : : : 9
	{ Nays,	: : : : : 102

Those voting in the affirmative, are,

Mr. Ballingall	Mr. Carter	Mr. Hill
Butler	F. S. Casey	Kinney of St. Clair
Campbell of Jo Daviess	Choate	Linley.

Those voting in the negative, are,

Mr. Akin	Mr. Bond	Mr. Cloud
Allen	Brown	Church
Archer	Crain	Dale
Armstrong	Zadok Casey	Davis of Montgomery
Blair	Cross of Winnebago	Davis of Mclean



Mr. Davis of Massac	Mr. Judd	Mr. Peters
Dawson	Knapp of Jersey	Pinckney
Deitz	Knapp of Scott	Powers
Dunn	Kinney of Bureau	Robbins
Dunsmore	Knowlton	Robinson
Edwards of Madison	Knox	Rountree
Edwards of Sangamon	Lander	Swan
Eccles	Lasater	Shields
Edmonson	Laughlin	Spencer
Farwell	Lemon	Servant
Frick	Lockwood	Sibley
Graham	Logan	Sim
Geddes	Loudon	Simpson
Green of Clay	McCallen	Singleton
Grimshaw	McCully	Smith of Gallatin
Harding	McClure	Shumway
Harlan	McHattan	Thomas
Harvey	Manly	Thompson
Hatch	Markley	Thornton
Hawley	Matheny	Turnbull
Hay	Mieure	Turner
Heacock	Moffett	Tutt
Henderson	Moore	Vernor
Hogue	Nichols	Wead
Hunsaker	Norton	West
Huston	Oliver	Witt
Jackson	Palmer of Macoupin	Whiteside
Jenkins	Palmer of Marshall	Whitney
Jones	Pratt	Worcester.

Mr. Markley moved that the preamble be referred to the committee on the Bill of Rights.

Mr. Servant moved that the motion to refer the preamble be laid on the table.

Mr. Geddes moved that the convention adjourn until Thursday at three o'clock, P. M.

And the question being taken thereon, it was decided in the negative.

The question was put upon the motion to lay on the table the motion to refer the preamble, and decided in the affirmative.

On motion of Mr. Servant,

The convention adjourned until Thursday next, at 3 o'clock, P. M.

### THURSDAY, JULY 15, 1847.

The convention met pursuant to adjournment.

Mr. Davis of Montgomery moved that the convention adjourn until eight o'clock to-morrow morning.

The question was taken, and decided in the negative.

Mr. Markley moved that the convention adjourn until to-morrow morning at 9 o'clock.

The question was taken, and decided in the negative.

On motion of Mr. Peters,

A call of the convention was ordered.

The call was proceeded in for some time, when a quorum being found to be present,



On motion of Mr. Z. Casey,

Further proceedings under the call were dispensed with.

On motion of Mr. Z. Casey,

The convention again resolved itself into a committee of the whole, to consider the report of the committee on the Executive Department—Mr. Crain in the chair.

The question pending when the committee rose on Monday last, was on filling the blank in the amended substitute for the sixth section, with the words, "twelve hundred and fifty dollars."

The question was taken and decided in the affirmative.

Mr. Peters moved to amend the 8th section by inserting after the words "applying for pardons," in the fourth line, the words:

"And he shall also have power to grant pardons after indictment found and before trial and conviction, whenever the judge or judges of the court, wherein the indictment shall be pending, shall recommend to him to grant such pardons,"

The question was taken, and the amendment agreed to.

Mr. Knapp of Scott moved to amend the same section further, by striking out the word "and," after the last comma in the ninth line, and also by inserting at the end of the section, the words, "and his reasons for granting the same."

Mr. Harding offered the following as a substitute for the amendment:

"And for every exercise of the pardoning power in cases of felony, he shall publish at the time at large his reasons therefor."

The question was taken, and the substitute rejected.

The question was taken on agreeing to the amendment, and no quorum voting,

The committee rose, and the chairman reported that fact to the convention.

On motion of Mr. Thomas,

A call of the convention was ordered.

The call was proceeded in, and 117 members having answered to their names, and a quorum being present,

Mr. Crain resumed the chair in committee of the whole.

The question recurred on the amendment of Mr. Knapp of Scott.

The question was taken and the amendment rejected.

Mr. Harding moved to amend the same section by adding thereto the following:

"The governor shall, immediately after the exercise of the pardoning power in any case, cause to be published in one newspaper in this state, his reasons at large for the same."

The question was taken and the amendment rejected.

Mr. Turnbull moved to amend the same section by striking out the words "biennially communicate to the general assembly," and inserting in lieu thereof the words, "publish in the different papers printed at the seat of government."

The question was taken, and the amendment rejected.

Mr. McCallen moved to amend the same section by inserting the word murder," after the word "except," in the second line.

The question was taken, and the amendment rejected.



Mr. Peters moved to amend the 10th section by adding thereto the words, "except that at such special session, trials of cases of impeachment may be had, and removals from office made in the manner provided in this constitution."

The question was taken, and the amendment was rejected.

Mr. Scates moved to amend the same section, by inserting after the word "occasions," in the first line, the words "which would cause great and irremediable injury to the public interest by delay."

The question was taken, and the amendment rejected.

Mr. Thornton moved to amend the same section, by striking out all after the word "shall," in the third line, and adding, "enter on no legislative business except that for which they were specially called together."

Mr. Peters moved to reconsider the vote; which lies over one day.

Mr. Churchill offered the following as a substitute for the amendment: strike out all after the word "proclamation," in the first line, and insert the following:

"The General Assembly when so convened shall have the same powers, and be liable to the same restrictions as in a regular session."

The question was taken, and the substitute rejected.

The question recurred on the amendment, and being taken, the amendment was rejected.

Mr. McCallen moved to amend the same section by striking out all after the word "convened."

Mr. Powers moved to amend the amendment by striking out the same words and inserting in lieu thereof the words:

"But such special session shall be subject to the same restrictions and limitations in all respects as regular sessions."

On motion of Mr. Constable,

The committee rose, reported progress, and asked leave to sit again; which was granted.

On motion,

The convention adjourned to 9 o'clock, to-morrow morning.

## FRIDAY, JULY 16, 1847.

The convention met pursuant to adjournment.

Prayer by the Rev. Mr. Greene, of Tazewell, a member.

The journal of yesterday was read.

Mr. Moffett presented the petition of Fisher Allison and fifty-nine others, praying that provision may be made in the new constitution for the appointment of a superintendent of public instruction with a liberal salary.

Mr. Jackson presented the petition of Barnabas Hart, and 51 others, citizens of Carroll and Whiteside counties, praying for a like provision.

Mr. Knowlton presented the petition of Jesse L. Knowlton and 118 others, citizens of the city of Peoria, praying for a like provision.

Mr. Farwell presented the petition of John Morrell and 55 others, citizens of Stephenson and Winnebago counties, praying for a like provision.



Mr. Brockman presented the petition of Stephen Carner and forty-one others, citizens of Brown and Pike counties, also praying for a like provision.

On motion, the reading of the petitions was dispensed with, and they were severally referred to the committee on Education.

Mr. Woodson offered the following additional rules:

"RULE —. No resolution or proposition which has been or which shall be hereafter introduced in the convention shall be considered unless it relates to, or is directly connected with the "alteration, revision or amendment" of the constitution, without the consent of at least two-thirds of the members of the convention previously obtained, and if such consent be so given the same shall be voted on without debate.

"RULE —. Hereafter, immediately after the reception of petitions and reports from standing committees, the convention shall resolve itself into a committee of the whole on the reports of standing committees, which shall be the standing order of the day until the same are concluded."

Mr. Hayes called for a division so as to vote on each rule separately.

The question was successively taken on the adoption of the first and second rule, and decided in the affirmative.

On motion of Mr. Robbins,

Leave of absence was granted to Mr. James for five days.

On motion of Mr. Hayes,

Leave of absence was granted to Mr. Kitchell for five days.

On motion of Mr. Graham,

Leave of absence was granted to Mr. Palmer of Macoupin for three days.

Mr. Wead, from the special committee on the organization of townships and the management of county affairs, reported the following:

## ARTICLE —.

SECTION 1. The General Assembly shall provide by law that the townships and parts of townships in the several counties of this state, may become incorporated for municipal and other purposes.

SEC. 2. All township officers shall be elected annually, and their number, powers, duties, and liabilities, shall be fixed by law.

SEC. 3. The general assembly shall provide by law for the creation of a board of supervisors in the several counties of this state, to be composed of one or more officers from each township and city in the county, for managing the affairs of the county. The powers and duties of the board of supervisors shall be fixed by law.

SEC. 4. The general assembly shall provide by law that the qualified voters of the several counties of this state may abolish the county commissioners' court and substitute therefor the board of supervisors.

On motion of Mr. Pratt,

The report was laid on the table, and two hundred copies ordered to be printed.

The convention then resolved itself into committee of the whole, again to consider the report of the committee on the Executive Department—  
Mr. Crain in the chair.



The question pending when the committee last rose, was on the substitute offered by Mr. Powers for the amendment proposed to the 10th section by Mr. McCallen; when,

Mr. Powers withdrew his substitute.

The question recurred on the amendment proposed by Mr. McCallen, to strike out all after the word "convened," in the 10th section.

Mr. Knox moved to amend the amendment, by adding at the end of the section, the words "at the commencement of the session."

The question was taken, and the amendment to the amendment rejected.

The question recurred on the amendment, and being taken, the amendment was rejected.

Mr. Woodson proposed to amend the same section by striking out the words "lay before them" at the last of the session, and by adding after the word "shall," in the third line, where it last occurs, the words "express in his proclamation."

Mr. Constable moved to amend the amendment by adding to the words proposed to be added, the words "and to such other subjects as may be introduced by two-thirds of the members of each house composing said general assembly, based upon an important exigency demanding their action, and connected with the public welfare."

Mr. Knowlton moved that the committee rise, report progress, and ask leave to sit again.

The question was taken, and decided in the negative.

The question was taken, and the amendment to the amendment rejected.

The question recurred on the amendment; when,

Mr. Wead called for a division, so as to take the question first on striking out.

The question was put and decided in the negative.

On motion of Mr. Hayes,

The committee rose, reported progress, and asked leave to sit again; which was granted.

Mr. Markley moved that the convention adjourn until 3 o'clock, p. m.

Mr. Constable moved four o'clock.

The question was put on the last motion, and decided in the negative.

The question was put on adjourning until 3 o'clock, p. m., and decided in the affirmative.

### THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

On motion of Mr. Harding,

*Resolved*, That the use of this hall be tendered to Mr. Benjamin Mortimer for the purpose of addressing the public this evening at 8 o'clock, upon the subject of the education of the children of the state, and upon topics connected therewith.



The convention resolved itself into committee of the whole, again to consider the report of the committee on the Executive Department—Mr. Crain in the chair.

On motion of Mr. Peters,

The motion made by him on yesterday to reconsider the vote taken on the amendment offered by Mr. Thornton to the tenth section, was taken up.

The question was taken, and decided in the affirmative.

Mr. McCallen called for a division of the question.

The question was taken on striking out, and decided in the affirmative.

The question was then taken on inserting after the word "shall," in the third line, the words "enter on no legislative business, except that for which they were specially called together."

The question was taken, and the amendment adopted.

Mr. Kenner moved to amend the same section by striking out the words "when assembled, the purpose for which they shall have been convened," and insert in lieu thereof the following:

"In said proclamation the purpose for which they are to convene."

The question was taken, and the amendment adopted.

Mr. Lockwood moved to strike out the whole section.

The question was taken, and decided in the negative.

Mr. Kenner moved to strike out the eleventh section and insert in lieu thereof the following:

"The governor shall, by and with the advice and consent of the senate, appoint a commander-in-chief of the army and navy of this state and of the militia, except when they shall be called into the service of the United States."

Mr. Whiteside offered the following as a substitute for the amendment:

"He shall be commander-in-chief of the militia of the state, except after they shall have been mustered into the service of the United States."

The question was taken, and the substitute rejected.

The question recurred on the amendment.

Mr. Markley called for a division so as to vote first on striking out.

The question was taken, and decided in the negative.

Mr. Dawson moved to amend the 12th section by striking out all after the word "assembly," in the second line, to the word "inclusive," in the third line, and also, to insert after the word "be," in the third line, the word "but."

The question was taken, and the amendment rejected.

Mr. Singleton moved to amend the same section by inserting after the word "provided," in the third line, the words "there be no business before them, and."

The question was taken, and the amendment rejected.

Mr. Oliver moved to strike out the 13th section.

The question was taken, and the motion negatived.

Mr. Singleton moved to amend the same section by striking out all after the word "qualifications."

The question was taken and decided in the negative.



Mr. Churchill moved to amend the 14th section by striking out the words "have a right when in committee of the whole, to debate and vote on all subjects," and to insert the word "shall" between the words "and" and "whenever," in the second line, and also to strike out the word "to," in the third line.

The question was taken, and the amendment rejected.

Mr. Servant moved to amend the same section by striking out the words "and vote on."

The question was taken, and the amendment rejected.

Mr. Harding moved to amend the same section by striking out the word "and," in the second line, and inserting in lieu thereof the word "not."

The question was taken, and decided in the negative.

Mr. Churchill moved to amend the 17th section by striking out the word "assembly," in the third line, and all of the fourth line, and inserting in lieu thereof the words "the speaker of the house of representatives shall act as governor until the regular meeting of the general assembly."

Mr. Hogue called for a division so as to vote first on striking out.

The question was taken, and decided in the negative.

Mr. Singleton moved to amend the 18th section by striking out the words "is absent from the state."

The question was taken, and the amendment was rejected.

Mr. Mason moved to strike out the word "his," in the third line of the same section, and insert in lieu thereof the word "the," and also to insert in the same line after the word "removed," the words "of the lieutenant governor."

The question was taken, and the amendment rejected.

Mr. Woodson moved to amend the 20th section by striking out all after the word "governor," in the second line and inserting in lieu thereof the words "he shall," and also to insert at the end of the same line the words, "who shall sign the same and return it forthwith to the house in which it shall have originated, unless he has constitutional objections to such bill, when."

Mr. Archer called for a division of the question.

The question was taken on striking out and decided in the negative.

Mr. Cross of Winnebago moved to amend the same section by striking out the words "two-thirds of the members present," wherever they occur, and inserting in lieu thereof the words "a majority of all the members elected."

A division of the question was called.

The question was taken on striking out, and decided in the negative.

Mr. Smith of Macon moved to strike out the 20th section.

The question was taken, and decided in the negative.

Mr. Churchill moved to amend the same section by inserting between the words "returned" and "on," in the 13th line, the words "to the secretary of state, and if approved by the governor shall become a law, but if disapproved shall be returned by the secretary of state," also to strike out the 14th line, and insert "when the same may be passed by two-thirds of the senate and house of representatives present and become a law."



The question was taken, and the amendment rejected.

Mr. Davis of McLean moved to amend the same section by striking out the words "present," in the 5th and 7th lines, and inserting in lieu thereof the word "elected."

Mr. Singleton moved to strike out all between the word "if," in the 4th line, and the word "respectively," in the 10th line, inclusive.

On motion of Mr. Davis of McLean,

A division of the question was called for.

The question was taken on striking out the word "present," and then on inserting the word "elected," and both decided in the affirmative.

The question was taken on Mr. Singleton's amendment, and decided in the negative.

Mr. Logan moved to amend the same section by striking out the words "two-thirds of the members," wherever it occurs, and insert in lieu thereof the words "a majority of all the members."

Mr. Minshall moved to insert the words "three-fifths of all the members."

Mr. McCallen moved that the committee rise, report progress, and ask leave to sit again."

The question was taken, and decided in the negative.

Mr. Hoes called for a division of the question.

The question was taken on striking out, and decided in the affirmative.

On motion of Mr. Davis of McLean,

The committee rose, reported progress, and asked leave to sit again; which was granted.

On motion,

The convention adjourned until to-morrow morning, at nine o'clock.

## SATURDAY, JULY 17, 1847.

The convention assembled pursuant to adjournment.

Prayer by Rev. Mr. Green of Tazewell.

The journal of yesterday was read.

Mr. Deitz presented the petition of Stephen Howe and 26 others, citizens of McHenry county, praying that provision may be made in the new constitution for a superintendent of public instruction, with a liberal salary.

On his motion, the reading was dispensed with, and the petition referred to the committee on Education.

Mr. Turner presented the petition of John Smith and 77 others, praying that imprisonment for life may be substituted for capital punishment.

The petition was read, and on his motion, referred to the committee on the Judiciary Department.

According to order, the convention again resolved itself into a committee of the whole to consider the report of the committee on the Executive Department—Mr. Crain in the chair.

The question pending when the committee last rose, was on the amendment offered by Mr. Minshall to insert "three-fifths of the members" in



lieu of the words "two-thirds of the members," stricken out of the 20th section.

The question was taken and decided in the affirmative.

Mr. McCallen moved to reconsider the vote taken last evening on striking out the words "two thirds of the members," wherever they occur in the 20th section; which, under the rule, lies over three days.

On motion of Mr. Brockman,

The committee rose, reported progress, and asked leave to sit again; which was granted.

On motion,

The convention adjourned until three o'clock. P. M.

### THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

Mr. Hogue moved to amend the 21st section by striking out the words "governor shall nominate and, by and with the advice of the senate, appoint a," in the first line, and also by striking out the word "who," in the second line.

Mr. Jones moved to strike out the whole section.

The question was taken on Mr. Hogue's amendment and decided in the negative.

Mr. Constable moved to amend the 21st section by inserting after the word "state," in the second line, the words "whose term of service shall expire with the office of the governor by whom he shall have been nominated, and who shall hold his office until his successor is appointed and qualified."

Mr. Peters moved to amend the amendment by adding thereto the words "unless for good cause the governor shall remove him before the expiration of his term."

The question was taken, and the amendment to the amendment rejected; when,

Mr. Constable withdrew the amendment.

Mr. Dawson moved to amend the same section by striking out the first word "the," and by inserting in lieu thereof the word "each."

The question was taken, and decided in the affirmative.

Mr. Davis of Montgomery moved to amend the same section by inserting after the word "law," in the fourth line, the words "and shall receive for his compensation the sum of six hundred dollars per annum, and no more."

The question was taken, and the amendment rejected.

Mr. Bosbyshell moved to amend the same section by inserting after the word "governor," in the second line, the words "and who shall receive a salary of one thousand dollars per annum."

The question was taken, and decided in the negative.

Mr. Marshall of Mason moved to amend the same section by inserting after the word "shall," in the second line, the words "hold his office for



the same term as the governor; and who shall receive a salary of eight hundred dollars per annum. He shall."

Mr. Logan moved the following as a substitute for the amendment:

Insert after the word "state," the words "whose term of office shall expire with the office of the governor, by whom he shall have been nominated, and who shall hold his office until his successor is appointed and qualified."

The question was taken, and the substitute was agreed to.

Mr. Kenner moved to amend the amendment by adding thereto the words "who shall receive the sum of seven hundred dollars per annum for his services, and no more, and."

The question was taken, and decided in the negative.

Mr. Kitchell moved the following as a substitute for the amendment offered by Mr. Logan:

"Who shall hold his office for the same term as the governor, and until another shall be appointed and qualified.

The question was taken, and decided in the negative.

The question recurred on the motion of Mr. Jones to strike out the same section; when it was taken and decided in the negative.

Mr. Sibley moved to amend the same section by adding at the end of the section the following:

"And who shall receive a salary of eight hundred dollars per annum, and no more, except fees."

On motion of Mr. Davis of Montgomery,

The following proviso was added to the amendment:

"*Provided*, the governor shall have power to remove the secretary when in his judgment the public good shall require it, and to appoint another."

The question was taken on the amendment, as amended, and decided in the affirmative.

Mr. Northcott moved to amend the 22d section by adding after the word "seal" the words "of state."

The question was taken, and decided in the affirmative.

On motion of Mr. Markley,

The question was taken on reconsidering the vote on adding to the 4th section the words "and have been a citizen of the United States fourteen years;" and decided in the negative.

The question recurred on agreeing to the substitute, as amended, for the 5th section; informally passed over on Thursday.

On motion of Mr. Logan,

The substitute was further amended by striking out the words "and he shall be *ex officio* fund commissioner."

The question was taken, and the substitute, as amended, agreed to.

Mr. Jones moved to add to section 5th the words "and he shall not, during the time for which he shall have been elected such governor, receive any other emolument from the United States, or any of them."

The question was taken, and decided in the affirmative.

On motion of Mr. Logan,

The committee rose, reported the amendments to the convention; and asked its concurrence therein.



On motion of Mr. Logan,

The report, as amended, was laid on the table, and 200 copies ordered to be printed for the use of the convention.

On motion,

The convention adjourned until Monday morning, at 9 o'clock.

## MONDAY, JULY 19, 1847.

Convention assembled pursuant to adjournment.

Prayer by Rev. Mr. Hale.

The journal of yesterday was read.

Mr. Robbins presented the petition of Valentine Mays and nine others, citizens of the state of Illinois, praying that a homestead of 160 acres of land, or a town lot of one acre, with the improvements, be exempted from mortgage and forced sale, &c.

On his motion, the reading was dispensed with, and the petition referred to the committee on Law Reform.

Mr. Palmer of Marshall, on leave, offered the following:

*Resolved*, That this convention shall adjourn on Saturday next, to meet again on the first Monday of November next.

The question was taken and the resolution rejected.

Mr. Davis of Massac, from the committee on Elections and the Right of Suffrage, reported back sundry propositions referred to that committee, with the following, as proper to be engrafted in the new constitution:

### ARTICLE —.

**SECTION 1.** In all elections, every white male citizen above the age of twenty-one years, having resided in the state one year next preceding any election, shall be entitled to vote at such election, and every white male inhabitant of the age aforesaid, who may be a resident of the state at the time of the adoption of this constitution, shall have the right of voting as aforesaid; but no such citizen or inhabitant shall be entitled to vote except in the district or county in which he shall actually reside at the time of such election.

**SEC. 2.** All votes shall be given by ballot.

**SEC. 3.** Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning from the same.

**SEC. 4.** No elector shall be obliged to do militia duty on the days of election, except in time of war or public danger.

**SEC. 5.** No elector shall be deemed to have lost his residence in this state by reason of his absence on the business of the United States, or of this state.

**SEC. 6.** No soldier, seaman, or marine in the army or navy of the United States shall be deemed a resident of this state, in consequence of being stationed at any military or naval place within the same.



SEC. 7. The legislature shall have full power to pass laws excluding from the right of suffrage persons convicted of infamous crimes.

SEC. 8. The general elections shall be held on the first Monday of November biennially.

Mr. Armstrong moved to lay the reported article on the table, and order the printing of 200 copies for the use of the convention.

Mr. Cross of Winnebago moved 1,000 copies.

Mr. Turnbull moved 500 copies.

Mr. Churchill moved 250 copies.

The question was successively taken on printing 1,000 and 500 copies, and decided in the negative.

The question was taken on laying the report on the table, and printing 250 copies, and decided in the affirmative.

Mr. Z. Casey moved to take from the table a resolution introduced by him some days since, proposing to fix a day of final adjournment.

The question being taken by yeas and nays,

It was decided in the negative,	{ Yeas,	:	:	:	:	62
	{ Nays,	:	:	:	:	82

Those voting in the affirmative, are,

Mr. Akin	Mr. Dunn	Mr. Oliver
Allen	Eccles	Pace
Archer	Edmonson	Palmer of Marshall
Atherton	Frick	Powers
Blakely	Green of Tazewell	Robbins
Ballingall	Harding	Rountree
Brockman	Harper	Scates
Bond	Hawley	Shields
Crain	Hay	Spencer
Canady	Hill	Sherman
Campbell of McDonough	Hunsaker	Sibley
Carter	Huston	Sim
F. S. Casey	Jones	Shumway
Z. Casey	Judd	Tuttle
Cloud	Lasater	Vance
Dale	Laughlin	Vernor
Davis of Montgomery	McHatton	Webber
Deitz	Manly	West
Dement	Matheny	Witt
Dunlap	Moffett	Whiteside
	Nichols	Woodson

Those voting in the negative, are,

Mr. Anderson	Mr. Davis of Massac	Harvey
Armstrong	Dawson	Hatch
Bosbyshell	Dummer	Hayes
Brown	Edwards of Madison	Heacock
Bunsen	Edwards of Sangamon	Henderson
Butler	Evey	Hogue
Campbell of Jo Daviess	Farwell	Holmes
Choate	Graham	Jackson
Colby	Geddes	Jenkins
Constable	Green of Clay	Knapp of Jersey
Cross of Winnebago	Green of Jo Daviess	Knapp of Scott
Church	Gregg	Kreider
Churchill	Grimshaw	Kenner
Davis of McLean	Harlan	Kinney of Bureau



Mr. Kinney of St. Clair  
Knowlton  
Knox  
Lander  
Lemon  
Loudon  
McCallen  
McCully  
McClure  
Markley  
Marshall of Coles  
Marshall of Mason  
Mieure  
Minshall

Mr. Moore  
Northcott  
Norton  
Pratt  
Peters  
Pinckney  
Rives  
Robinson  
Roman  
Stadden  
Swan  
Servant  
Simpson

Mr. Smith of Gallatin  
Smith of Macon  
Thomas  
Thompson  
Thornton  
Trower  
Turnbull  
Turner  
Tutt  
Wead  
Williams  
Whitney  
Worcester.

Mr. Brown of Madison, on leave, read a communication from Edward Keating, chief marshal, &c., inviting the convention, through Mr. Brown, as mayor of the city of Alton, to attend and participate with the citizens of said city, on Wednesday next at 2 o'clock, P. M., in the ceremonies attendant upon the burial of the remains of Lieutenants Fletcher, Ferguson, and Robbins, of the Alton Guards, 2d regiment Illinois volunteers, who fell upon the battle field of Buena Vista; which was read, whereupon,

Mr. Brown, on leave, offered the following preamble and resolutions, which were unanimously adopted.

Whereas, this convention has just been informed that the bodies of Lieutenants Edward F. Fletcher, Lauriston Robbins, and Rodney Ferguson, of the Alton Guards, 2d regiment Illinois volunteers, who fell upon the bloody field of Buena Vista, while nobly sustaining the honor of their country, have reached Alton, and that they will be interred in that city on Wednesday, the 21st inst., with funeral honors; and whereas, this convention, believing that it is right and proper for them to commemorate the noble and patriotic deeds and virtues of those who have so gloriously fallen in the service of their country; be it therefore,

*Resolved*, That this convention, deeply sympathize with the families and friends of the lamented Fletcher, Robbins, and Ferguson, who have been so suddenly cut down in the vigor of youth, and whose noble deeds on the bloody field of Buena Vista have enshrined their memories in the affections of the nation, and placed their names on the page of history.

*Resolved*, That this convention for the purpose of honoring the lamented dead, will join in the celebration of their funeral ceremonies.

*Resolved*, That a committee of nine be appointed to represent this convention in the funeral ceremonies aforesaid.

*Resolved*, That copies of the foregoing preamble and resolutions, signed by the president and secretary, be transmitted by the secretary to the families of the deceased Fletcher, Robbins, and Ferguson.

*Ordered*, That Messrs. Brown, Singleton, Smith of Gallatin, Constable, Pratt, Woodson, McCallen, Colby, and Hogue, be that committee.

On motion of Mr. Peters,

The report of the committee on the Judiciary Department, was taken from the table, and referred to the committee of the whole.

On motion of Mr. Logan,

The report of the committee on Counties was taken from the table, and referred to the committee of the whole.



According to order, the convention resolved itself into a committee of the whole to consider the report of the committee on the Judiciary Department—Mr. Scates in the chair.

Mr. Davis of Massac moved to strike out the whole of the first section, and to substitute therefor the following:

"The judicial power of this state shall be vested in one supreme court, in circuit courts, in justices of peace, and in such other courts as the legislature may, from time to time, establish."

Mr. Jenkins moved to amend the first section by striking out all after the words "circuit courts," and inserting the words "county courts, and such other courts as may be established by this constitution."

Mr. Logan moved the following as a proviso to be added to the amendment:

"*Provided*, the legislature may establish in cities having a population over ——— thousand such tribunal as may be necessary, having police jurisdiction and criminal jurisdiction in cases less than felony."

The question was taken, and the proviso rejected.

Mr. Norton called for a division, so as to take the question first on striking out.

The question was taken on striking out, and decided in the affirmative.

Mr. Norton called for a further division, so as first to take the question on inserting the words "county courts."

The question was taken on inserting, and agreed to.

The question was taken on inserting the remainder of the amendment, and agreed to.

Mr. Church moved further to amend the same section, as amended, by inserting after the words "county courts," the words "probate courts."

On motion of Mr. Lemon,

The committee rose, reported progress, and asked leave to sit again; which was granted.

On motion,

The convention adjourned to three o'clock. P. M.

### THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

According to order, the convention resolved itself into a committee of the whole, again to consider the report of the committee on the Judiciary Department—Mr. Scates in the chair.

The question pending when the committee rose, was on inserting the words "probate courts" after the words "county courts," in the first section, as amended.

The question was taken, but no quorum voting, the committee rose, and the chairman reported that fact to the convention.

On motion of Mr. Shields,

A call of the convention was ordered. The call was proceeded in, and 120 members having answered to their names, and a quorum being present,

Mr. Scates again resumed the chair in committee of the whole.



The question was again taken upon inserting the words "probate courts," and decided in the negative.

The question again recurred on striking out the whole of the first section, and inserting other words in lieu of them, as moved by Mr. Davis of Massac this morning.

Mr. Vance called for a division, so as to vote first on striking out.

The question was taken on striking out, and decided in the negative.

Mr. Archer moved to amend the second section by striking out the words "and in such cases of impeachment as may be required to be tried before it."

The question was taken, and decided in the negative.

Mr. Hurlbut moved to amend the same section by striking out the words "except in cases relating to the revenue."

The question was taken, and decided in the negative.

Mr. Thomas moved to amend the same section by striking out the words "*prohibition, quo warranto, informations* in the nature of *quo warranto* and *certiorari*."

The question was taken, and decided in the affirmative.

Mr. Thomas moved to amend the same section by adding thereto the words "and all the other writs necessary to the rightful exercise of the same jurisdiction."

Mr. Logan moved further to amend the same section by striking out the words "and power to issue."

The question was taken, and decided in the affirmative.

Mr. Dale moved to amend the third section by striking out the word "two," in the first line, and inserting in lieu thereof the word "three."

Mr. Shields called for a division, so as to vote first on striking out.

The question was taken, and decided in the negative.

Mr. Pratt moved to amend the same section by striking out the word "twelve," in the second line, and to insert in lieu thereof the word "fifteen."

Mr. Witt called for a division, so as to vote first on striking out.

The question was taken, and decided in the negative.

Mr. Kitchell moved to amend the same section by adding thereto the following:

"*Provided*, that the General Assembly may, whenever it shall become necessary to provide for the additional associate justices, not exceeding two others, to be appointed as provided in this constitution."

The question was taken, and decided in the negative.

Mr. Hayes moved to amend the same section by striking out the words "who shall be not less than thirty-five years of age."

Mr. Thomas moved to amend the amendment by inserting in lieu of the words to be struck out, the words "forty-five."

Mr. Witt called for a division, so as to vote first on striking out.

The question was taken, and decided in the negative.

On motion of Mr. Witt,

The same section was amended by inserting after the word "age," in the second line, the words "who shall have been a citizen of the United States five years."

Mr. Wead moved to strike out the third section and to insert in lieu thereof the following:



"The supreme court shall consist of the three judges, any two of whom shall form a quorum; and the concurrence of two of said judges shall, in all cases, be necessary to a decision."

On motion, the question was taken on striking out, and decided in the negative.

Mr. Kitchell moved to amend the same section by adding thereto the words "any two of said justices shall constitute a quorum, and the concurrence of two of them shall in all cases be necessary to a decision."

The question was taken, and decided in the affirmative.

Mr. Servant moved to amend the same fourth section by striking out all after the word "be," in the first line, and to insert in lieu thereof the words "appointed by the governor, by and with the advice and consent of the senate, and shall hold their office during good behaviour."

On motion of Mr. Knapp of Jersey,

The committee rose, reported progress, and asked leave to sit again; which was granted.

On motion,

The convention adjourned until to-morrow morning at 9 o'clock.

## TUESDAY, JULY 20, 1847.

Convention assembled pursuant to adjournment.

Prayer by Rev. Mr. Green of Tazewell, a member.

The journal of yesterday was read.

Mr. Kinney of St. Clair presented the petition of Seth Catlin, and thirty-five others, citizens of St. Clair county, praying that provision may be made in the new constitution for a superintendent of public instruction, with a liberal salary.

Mr. Wead presented the petition of Jesse Allison, and six others, citizens of Fulton county, praying for a like provision.

Mr. Cross of Winnebago presented the petition of Darius Adams, and fifty-one others, citizens of Winnebago county, also praying for a like provision.

On motion, the reading of the petitions was dispensed with, and they were referred to the committee on Education.

On motion of Mr. Robbins,

*Resolved*, That the committee on Finance inquire into the expediency of inserting in the constitution an article requiring the legislature to ascertain, from time to time, the amount of the state debt. To apportion the state debt according to taxable property assessed in the state. To provide by law, that any individual may pay his share of the state debt, proportioned to his taxable property, and that such real estate as shall have paid its proportional part of state indebtedness, and the value of so much personal estate as shall have paid its proportional part of state indebtedness, shall ever thereafter be exonerated from any liability in consequence of the state debt, and to provide, from moneys raised from such voluntary payments, a sinking fund with which to purchase the state indebtedness.



On motion of Mr. Knapp of Jersey,

The following preamble and resolution were adopted:

Whereas, a respectable minister of the gospel, whilst attending the convention to open the session by prayer, under resolution of the convention has been grossly insulted and menaced with bodily injury by a member of the convention; and whereas, it is alike due to the convention and the ministers that we should not invite them to perform that duty unless we could secure them against such indignities; therefore,

*Resolved*, That the resolution inviting the clergymen of Springfield to open the sessions of the convention with prayer be rescinded, and that the secretary inform the said clergymen of the same, with the assurance of the convention that this step is not adopted from any dissatisfaction with the manner in which they have discharged their sacred duty, but solely from an unwillingness to subject them to a repetition of such indignities.

According to order, the convention resolved itself into a committee of the whole, again to consider the report of the committee on the Judicial Department—Mr. Scates in the chair.

The question pending when the committee rose on yesterday, was on the motion made by Mr. Servant to amend the fourth section.

A division was called for, so as to take the question first on striking out

On motion of Mr. Shumway,

The committee rose, reported progress, and asked leave to sit again which was granted.

On motion,

The convention adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The convention assembled pursuant to adjournment.

On motion of Mr. Shields,

A call of the convention was ordered.

The call was proceeded in for some time, and 116 members having answered to their names, and a quorum being present,

On motion of Mr. Thomas,

Further proceedings under the call were dispensed with.

According to order, the convention resolved itself into a committee of the whole, to consider the report of the committee on the Judiciary Department—Mr. Scates in the chair.

The question pending when the committee rose this morning, was on the motion made by Mr. Servant to amend the fourth section; a division having been called on striking out,

Mr. Henderson moved that the committee rise, report progress, and ask leave to sit again.

The question was taken, and decided in the negative.

Mr. Bosbyshell moved that the committee rise, report progress, and ask leave to sit again.

The question was taken, and decided in the negative.



The question was taken on striking out, as proposed by Mr. Servant, and decided in the affirmative.

Mr. Logan moved to substitute, for the part proposed by Mr. Servant to be inserted, the following:

“Elected by districts as follows, to wit: The state shall be divided into three districts, as nearly equal as may be, and the qualified voters of each district shall elect one of said supreme judges for the term of nine years.”

On motion of Mr. Peters,

The committee rose, reported progress, and asked leave to sit again; which was granted.

On motion,

The convention adjourned until to-morrow morning, at nine o'clock.

### WEDNESDAY, JULY 21, 1847.

The convention assembled pursuant to adjournment.

The journal of yesterday was read.

On motion of Mr. Kreider,

Leave of absence was granted to Mr. Markley for six days, in consequence of sickness in his family.

On motion of Mr. Allen,

Leave of absence was granted to Messrs. Loudon and Akin for ten days, in consequence of sickness in their families.

On motion of Mr. Thomas,

Leave of absence was granted to Mr. Dummer for four days.

Mr. Jenkins, from the committee on Counties, which was instructed by resolution to inquire into the expediency of providing that “all territory which has been or may be stricken off, by legislative enactment, from any organized county or counties, for the purpose of forming a new county,” &c., reported the same back, and asked to be discharged from the further consideration thereof.

On motion of Mr. Thomas,

The report was laid on the table.

Mr. Shumway moved a call of the convention.

The question was taken, and decided in the negative.

According to order, the convention resolved itself into a committee of the whole, again to consider the report of the committee on the Judiciary Department—Mr. Scates in the chair.

The question pending when the committee rose was on the substitute offered by Mr. Logan for the amendment proposed by Mr. Servant to the fourth section; when the substitute was withdrawn.

Mr. Davis of Massac moved the following as a substitute for the fourth section, and for the amendment proposed by Mr. Servant:

“The state shall be divided into three grand divisions, as nearly equal as may be, and the qualified electors of each division shall elect one of said supreme judges for the term of six years.”

Mr. Campbell of Jo Daviess moved that the committee rise, report progress, and ask leave to sit again.



The question was taken, and decided in the negative.

On motion of Mr. Lemon,

The committee rose, reported progress, and asked leave to sit again which was granted.

On motion,

The convention adjourned to 3 o'clock, P. M.

### THREE O'CLOCK, P. M.

Convention assembled pursuant to adjournment.

According to order, the convention resolved itself into a committee of the whole, again to consider the report of the committee on the Judicial Department—Mr. Scates in the chair.

The question pending when the committee last rose, was on the substitute offered by Mr. Davis of Massac, for the amendment proposed by Mr. Servant to the fourth section.

The question was taken, and the substitute agreed to.

Mr. Campbell of Jo Daviess moved to amend the substitute by striking out the words "and the qualified electors of each division shall elect one of said supreme judges for the term of six years," and insert in lieu thereof the words, "one of said judges shall reside in each of said districts, and all of the said judges shall be elected by the qualified voters throughout the state."

The question was taken thereon, and decided in the negative.

Mr. Edwards of Sangamon moved to amend the amendment by striking out the word "six," and inserting in lieu thereof the word "nine."

Mr. Allen called for a division, so as to take the vote first on striking out.

The question was taken on striking out "six," and decided in the negative.

Mr. Peters moved to amend the substitute by substituting therefor the following:

"The governor shall nominate, and by and with the advice and consent of the senate, (two-thirds of the senators elected concurring thereon) shall appoint the judges of the supreme court, who shall hold their office for the term of nine years, and shall be ineligible to any other office than a judicial one during the time for which they were appointed, and one year thereafter."

The question was taken, and the amendment rejected.

Mr. Kenner moved to amend the substitute by substituting therefor the following:

"The justices of the supreme court shall be elected by a joint vote of both branches of the general assembly at their first session after the adoption of this article, for the term of — years."

The question was taken, and the amendment rejected.

Mr. Servant moved to amend the substitute by striking out the words "for the term of six years," and inserting in lieu thereof the words "conducting good behavior."



Mr. Wead called for a division, so as to vote first on striking out. The question was taken on striking out, and decided in the negative. Mr. Wead moved to amend the substitute by adding thereto the following:

"The legislature may change or alter said divisions to meet the exigencies of the people."

Mr. Brockman moved that the committee rise, report progress, and ask leave to sit again.

The question was taken, and decided in the negative.

Mr. Kitchell renewed the motion; which was taken, and decided in the affirmative.

Leave was accordingly granted.

On motion,

The convention adjourned to 9 o'clock, to-morrow morning.

### THURSDAY, JULY 22, 1847.

The convention met pursuant to adjournment.

The journal of yesterday was read.

Mr. Cross of Winnebago presented the petition of Albert Tuttle, and others, legal voters of the county of Winnebago, praying that no distinction be made on account of ancestry or color, but that the subject be left to legislative enactment.

On motion of Mr. Cross of Winnebago,

The petition was referred to the committee on the Bill of Rights.

Mr. Stadden presented the petition of M. E. Hollister, and eighty-five others, praying that provision may be made in the new constitution for the office of superintendent of public instruction, with a liberal salary.

On motion of Mr. Stadden,

The reading was dispensed with, and the petition referred to the committee on Education.

Mr. Archer, from the committee on the Organization of Departments, and offices connected with the Executive Department, to which was referred the petition of sundry inhabitants of Lake county, praying "that the circuit judges," and sundry other officers, "may be elected by the people of this State," reported that said committee had had the same under consideration, and had instructed him to report the same back, and ask to be discharged from the further consideration thereof.

The question was taken, and the committee discharged.

Mr. Geddes moved to suspend the rule to enable him to introduce a resolution.

The question was taken, and decided in the negative.

Mr. West moved to suspend the rule to enable him to introduce a resolution.

The question was taken, and decided in the negative.

On motion of Mr. Z. Casey,



The rules were suspended to enable him to introduce the following order:

*Ordered*, That fifteen hundred copies of the journal of the convention be printed for distribution among the counties.

Mr. Church moved to amend the order by striking out "fifteen," and inserting "twenty-five."

Mr. Shumway called for a division, so as to vote first on striking out.

The question was taken, and decided in the negative.

The question recurred on agreeing to the order, and being taken, the order was agreed to.

Mr. Thomas moved to suspend the rules to enable him to introduce a resolution.

The question was taken, and decided in the negative.

According to order, the convention resolved itself into a committee of the whole, again to consider the report of the committee on the Judicial Department—Mr. Scates in the chair.

The question pending when the committee rose on yesterday, was the amendment proposed to be added to the amendment as agreed to, the fourth section, by Mr. Wead.

The question was taken, and the amendment rejected.

Mr. Lockwood moved to amend the amendment to the fourth section as agreed to, by adding the following:

"The legislature may, from time to time, alter said divisions previous to every general election for judges of the supreme court, so that each said divisions may contain as nearly as may be, an equal number of inhabitants, and contain a territory as nearly as may be in compact form."

The question was taken, and the amendment agreed to.

Mr. Kitchell moved to amend the amendment to the fourth section as agreed to, by adding thereto the following:

"After the year 1860, and may lay off, if deemed necessary, other districts, not exceeding two, and provide for the election of other judges therein."

The question was taken, and the amendment rejected.

Mr. Shumway moved to amend the amendment to the fourth section, as agreed to, by inserting after the word "alter," the words "abolish."

The question was taken, and decided in the negative.

Mr. Jones moved to add the following proviso to the amendment as agreed to, to the fourth section:

"*Provided*, The number of districts or the number of justices of the supreme court shall never be increased or diminished."

The question was taken, and decided in the negative.

Mr. Robbins moved to amend the amendment to the fourth section, substituting therefor the following:

"The state shall, from time to time, be divided into three distinct divisions, the northern, southern, and middle divisions, which shall be composed and made up of whole counties in their respective portions of the state and to contain a population as nearly equal as possible."

The question was taken, and decided in the negative.



Mr. Shields moved to amend the amendment, as agreed to, to the fourth section, by adding thereto the following proviso:

"*Provided*, That such alterations shall not be oftener than once in ten years."

The question was taken and the amendment rejected.

On motion of Mr. Marshall of Mason,

The amendment to the fourth section, as agreed to, was further amended by adding thereto the following:

"*Provided*, That such changes or alterations shall not be made at any other time than as is provided for the apportionment of members of the general assembly."

Mr. Kitchell moved to amend the amendment to the fourth section, as agreed to, by inserting after the word "elect," the words "on the first Monday of March after the adoption of this article."

The question was taken, and the amendment rejected.

The question was taken on the substitute for the fourth section, as amended, and decided in the affirmative.

Mr. Wead moved to strike out the fifth section, and insert in lieu thereof the words:

"The office of one of said judges shall be vacated in two years, of one in four years, and of one in six years; to be decided by lot, so that one of said judges shall be elected once in every two years. The judge having six years to serve shall be the chief justice, after which the judge having the oldest commission shall be chief justice."

The question was taken, and decided in the affirmative.

Mr. Wead moved to strike out the sixth section and insert the following:

"The supreme court shall hold one term at least once in each year in each of the three grand divisions in this state, and such other terms in each division as the legislature may prescribe by law."

Mr. Hayes called for a division, so as to vote first on striking out.

Mr. Evey offered the following as a substitute for the proposed amendment:

"One term of the supreme court shall be held annually in each of the twelve judicial circuits (and such other judicial circuits which may hereafter be made) in this state, at such time and place as may be provided by law."

On motion of Mr. Dement,

The committee rose, reported progress, and asked leave to sit again; which was granted.

On motion,

The convention adjourned until 3 o'clock, P. M.

### THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

The convention resolved itself into committee of the whole, again to



consider the report of the committee on the Judiciary Department—Mr. Scates in the chair.

The question pending when the committee rose, was on the substitute proposed by Mr. Evey for the amendment proposed to the sixth section by Mr. Wead.

A division having been called for on striking out.

On motion of Mr. Davis of McLean,

The committee rose, reported progress, and asked leave to sit again which was granted.

On motion,

The convention adjourned to to-morrow morning at nine o'clock.

## FRIDAY, JULY 23, 1847.

The convention assembled pursuant to adjournment.

The journal of yesterday was read.

Mr. Farwell presented the petition of J. K. Brewster and forty-seven others, praying that provision may be made in the new constitution for the office of superintendent of public instruction, with a liberal salary.

On his motion, the reading was dispensed with, and the petition referred to the committee on Education.

Mr. Servant from the select committee to which was referred the petitions of the inhabitants of Kaskaskia, on the subject of "commons," reported that the committee had had the subject under consideration, and that the following is proposed to be engrafted into the new constitution:

SECTION —. All lands which have been granted as a "common" to the inhabitants of any town, hamlet, village or corporation, by any person body politic or corporate, or by any government having power to make such grant, shall forever remain common to the inhabitants of such town, hamlet, village or corporation; but the said commons, or any of them, or any part thereof, may be divided, leased or granted, in such manner as may hereafter be provided by law, on petition of a majority of the qualified voters, interested in such common, or any of them.

On motion Mr. Scates,

The report was laid on the table, and 200 copies ordered to be printed.

Mr. Allen, from the committee on the Bill of Rights, to which was referred the petition of sundry citizens of Washington county in relation to foreigners, reported the same back, and asked to be discharged from the further consideration thereof.

The question was taken, and the committee discharged.

According to order, the convention resolved itself into a committee of the whole, again to consider the report of the committee on the Judiciary Department—Mr. Scates in the chair.

The question pending when the committee rose on yesterday, was on the amendment offered by Mr. Evey, as a substitute for the amendment offered by Mr. Wead for the 6th section.

A division having been called for on striking out,



The question was taken on striking out, and decided in the negative.

Mr. Eccles offered the following, to be added as a proviso to the 6th section:

*"Provided, the legislature may, whenever the interest of the people require it, change the place of holding said court from the circuits to the seat of government, or to one point in each of the grand divisions heretofore provided for; said change not to be oftener than once in six years."*

Mr. Harvey moved to substitute for the amendment to be prefixed to the section, the words "until otherwise provided by law."

The question was taken, and the substitute for the amendment rejected.

Mr. Caldwell moved as a substitute for the amendment, so to amend the section as to make it read as follows:

*"One term of the supreme court shall be held at such times and places as may be provided by law."*

The question was taken, and the substitute rejected.

Mr. Kitchell moved to amend the amendment by substituting therefor the following:

*"Provided, the general assembly may, if deemed necessary, provide by law for holding the supreme court in a less number of places, but never less than one in each grand division, nor shall any change herein be made before 1855."*

The question was taken, and the substitute rejected.

Mr. Shumway moved to amend the amendment by striking out the words "to the seat of government."

The question was taken, and the amendment to the amendment rejected.

Mr. Kinney of St. Clair moved to amend the amendment by substituting therefor the words "but the legislature may change the time and place of holding the supreme court; *Provided*, that it is not held in less than five places in the state; such change, however, not to be made oftener than once in six years."

The question was taken, and the substitute rejected.

Mr. Campbell of Jo Daviess moved that the amendment be amended by substituting therefor the following:

*"Provided, the legislature may, at any time, make such changes as the wants of the people shall require."*

The question was taken, and the proviso rejected.

Mr. Knapp of Scott moved to substitute for the amendment, the words "alternate sessions of the supreme court shall be held in each of the grand divisions, at some central point in each division, to be designated by the court itself, at such times as shall be prescribed by law."

The question was taken, and the amendment rejected.

Mr. Knapp of Jersey moved to substitute for the amendment, the following:

*"Two terms of the supreme court shall be held annually, at such time and places as may be directed by the legislature."*

The question was taken, and the substitute rejected.

The question recurred on adopting the amendment offered by Mr. Eccles, and being taken, the amendment was agreed to.



Mr. Shumway moved to amend the seventh section by striking out the word "twelve," and by inserting in lieu thereof the word "nine."

Mr. Caldwell moved as a substitute for the amendment the following:

"The state shall be divided into twenty judicial districts, in each of which one circuit judge shall be elected by the qualified electors thereof, who shall hold his office for the term of four years, and until his successor shall be commissioned and qualified."

Mr. Shields called for a division, so as to vote first on striking out.

On motion of Mr. Edwards of Madison,

The committee rose, reported back the report with sundry amendments, and asked the concurrence of the convention therein.

Mr. Edwards of Madison moved that the whole subject be referred to a select committee of one from each judicial circuit.

Mr. Minshall moved two from each judicial circuit.

Mr. Rountree moved three from each judicial circuit.

The question was taken, and the whole subject was referred to a select committee of three from each judicial circuit.

*Ordered,* That Messrs. Edwards of Madison, Lockwood, Davis of Massac, Rountree, Davis of McLean, Williams, Farwell, Wead, Caldwell, Minshall, Manly, Spencer, Thompson, Ballingall, Henderson, Hoes, Evey, Logan, Scates, Kinney of St. Clair, Harlan, Constable, Knapp of Scott, Bosbyshell, Dement, Hurlbut, and Kinney of Bureau, be that committee.

On motion,

The convention adjourned until 3 o'clock, p. m.

### THREE O'CLOCK, P. M.

The convention assembled pursuant to adjournment.

On motion of Mr. Edwards of Madison,

The rule was suspended to enable him to introduce an article, to be inserted in the constitution on the subject of the public debt:

### ARTICLE —.

**SECTION 1.** There shall be annually assessed and collected, in the same manner as other state revenue may be assessed and collected, a tax of — mills upon each one hundred dollars worth of taxable property, in addition to all other taxes, to be applied as follows, to wit: the fund so created shall be kept separate, and shall annually, on the first day of January, be apportioned and paid over *pro rata* upon all such state indebtedness, other than the canal and school indebtedness, as may, for that purpose, be presented by the holders of the same, to be entered as credits upon, and, to that extent, in extinguishment of the principal of said indebtedness.

**SEC. 2.** Hereafter, any tax payer may have an estimate made at any time of his proportion of the state indebtedness above provided for, by taking as data the whole of said indebtedness, principal and interest, due at the time of making the estimate—the then last assessment of the



taxable property of such tax payer, and the aggregate of the then last assessment for the whole state, and may pay into the treasury the amount of such estimate, either in money or in such state indebtedness, and upon so paying, shall be forever discharged from any and all further assessments on account of such state indebtedness, in respect of so much personal property as he then has, and of all such real estate as may be included in the estimated assessment, and such real estate shall be forever discharged from any and all further assessments on such account, into whose hands soever it may pass.

SEC. 3. Any state indebtedness coming into the treasury by virtue of the above section, shall be simply cancelled and destroyed, and any money so coming in shall be added to, and applied as part of the aforesaid mill fund.

SEC. 4. This article shall be submitted to a vote of the people, and if voted for by a majority of all voting on the question, shall become a part of this constitution, and shall remain in force until the whole of the indebtedness therein provided for shall be paid, and no longer; and interest shall be counted only upon the original principal of said indebtedness, and the extinguished portions of said principal shall cease to draw interest, at and from the respective times of their extinguishment. And it shall be the duty of the general assembly to make all necessary provisions for carrying this article into effect in good faith.

On motion of Mr. Robbins,

The article proposed was referred to the committee on Finance.

On motion of Mr. Archer,

The report of the committee on the Organization of Departments and offices connected with the Executive Department, was taken from the table, and referred to a committee of the whole convention.

On motion of Mr. Archer,

The convention resolved itself into a committee of the whole, to consider the report of the committee on the Organization of Departments and offices connected with the Executive Department—Mr. Z. Casey in the chair.

Mr. Butler moved to amend the first section by striking out the words "one thousand," and by inserting in lieu thereof the words "fifteen hundred."

Mr. Witt called for a division, so as to vote first on striking out.

The question was taken, and decided in the negative.

On motion of Mr. Davis of McLean,

The first section was amended by inserting after the word "salary," the words "exclusive of clerk hire."

Mr. Evey moved to amend the same section, by striking out the words "one thousand," and by inserting in lieu thereof the words "eight hundred."

The question was taken, and decided in the negative.

On motion of Mr. Jones.

The same section was amended by adding thereto the words "and no more."



On motion of Mr. Shumway,

The second section was amended by adding thereto the words "and no more."

Mr. Logan moved to amend the same section by striking out the words "eight hundred," and by inserting in lieu thereof the words "one thousand."

On motion, the question was taken on striking out, and decided in the negative.

Mr. Kenner moved to amend the same section by striking out the word "two," and to insert in lieu thereof the word "four."

The question was taken, and decided in the negative.

On motion of Mr. Peters,

The same section was amended by inserting after the word "years," the words "and until his successor is qualified."

Mr. Church moved to amend the same section by inserting after the words "per annum," the words "exclusive of clerk hire."

The question was taken, and decided in the negative.

On motion of Mr. Geddes,

The third section was stricken out.

On motion of Mr. Cross of Winnebago,

The fourth section was stricken out.

On motion, the committee rose, reported back the report with sundry amendments, and asked the concurrence of the convention therein.

The question was taken and the report concurred in.

On motion of Mr. Peters,

The first section was amended by inserting after the word "years," the words "and until his successor is qualified."

When, the question was taken upon the adoption of the article, as amended, and decided in the affirmative.

On motion of Mr. Marshall of Mason,

The report of the committee on Elections and the Right of Suffrage was taken from the table, and referred to a committee of the whole convention.

According to order, the convention resolved itself into a committee of the whole to consider the report of the committee on Elections and the Right of Suffrage—Mr. Harvey in the chair.

Mr. Scates moved to amend the first section by striking out the word "citizen," and to insert in lieu thereof the word "inhabitant."

Mr. Deitz called for a division, so as to vote first on striking out.

The question was taken on striking out, and decided in the negative.

Mr. Roman moved to amend the same section by inserting after the word "constitution," in the 4th line, the words "or who has filed his declaration of his intention to become a citizen of the United States, according to the laws thereof."

Mr. Harding moved to amend the amendment by striking out the word "or," and by inserting in lieu thereof the word "and."

On motion of Mr. Bosbyshell,

The committee rose, reported progress, and asked leave to sit again; which was granted.

On leave, Mr. Gregg offered the following resolution:



*Resolved*, That the sergeant-at-arms and assistant sergeant-at-arms be instructed to remove the carpet from the floor of this hall, and in order to give time for such removal, and also to give time to the committees to complete their labors, when the convention adjourns to day, it adjourn to meet on Monday next at 8 o'clock, A. M.

The question was taken, and the resolution adopted.

On motion,

The convention adjourned.

15.

## MONDAY, JULY 26, 1847.

Convention assembled pursuant to adjournment.

The journal of Friday was read.

On motion of Mr. Hayes,

The rule was suspended to enable him to introduce the following resolutions:

*Resolved*, That so much of a preamble and resolution in relation to the chaplains of this body, (which appears on the journal of Tuesday last,) as assumes that this convention is not able and willing to protect itself and officers from interruption or insult while in discharge of their duties, be rescinded.

*Resolved*, That the president be requested to provide for the opening of the morning sessions with prayer.

On motion of Mr. Nichols,

The previous question was ordered.

The question was taken on the adoption of the resolutions and decided in the affirmative.

Mr. Sherman offered the following, as an article to be engrafted in the new constitution:

### ARTICLE —.

SECTION 1. Corporations not possessing banking powers or privileges may be formed under general laws, but shall not be created by special acts except for municipal purposes, and in cases where, in the judgment of the legislature, the objects of the corporation cannot be obtained under general laws.

SEC. 2. No state bank shall hereafter be created, nor shall the state own or be liable for any stock in any corporation or joint stock association for banking purposes.

SEC. 3. No banking powers or privileges shall be granted except by general laws, which shall be in accordance with the following provisions:

1st. No law shall be passed sanctioning in any manner, directly or indirectly, the suspension of specie payments.

2d. Ample security in interest-paying stocks of the United States or of the states shall be deposited with the treasurer of state, for the redemption in specie of all the bills and notes put in circulation, and no stock shall be



received in deposit as aforesaid but such as shall be at par value at the time of said deposit, and of such states as shall have regularly and promptly paid their interest for the three years immediately preceding the deposit, and no bills or notes shall be put in circulation by any association but such as are registered and countersigned by the treasurer of state, to any banking association, and the notes or bills so registered and countersigned for any banking association shall not exceed in amount the stocks or bonds deposited by such association; *Provided*, that the legislature may also authorize a deposit of the bonds of this state to be made in like manner for a like redemption of such bills or notes, the amount and value of such bonds being determined by the rate of interest which the state may at the time of deposit pay on the same, and the amount of such deposit shall be proportionate to the rate per centum interest paid thereon.

3d. The stockholders in any corporation and joint stock association for banking purposes, issuing bank notes or any kind of paper credit to circulate as money, shall be individually responsible to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind.

4th. In case of insolvency of any bank or banking association, the bill holders shall be entitled to preference in payment over all other creditors of such bank or association.

5th. Non-payment of specie shall be a forfeiture of all banking rights and privileges, and the legislature shall provide for the sale of said stock, deposit and apply the proceeds thereof to the redemption of the notes or bills in circulation, and the legislature shall have power to remit the forfeiture or relieve from any of its consequences, and provisions shall be made by law for the trial in a summary way, by judicial tribunals, of all contested questions of forfeiture of banking privileges.

SEC. 4. No corporation or association for banking purposes shall have a capital less than one hundred thousand dollars, nor greater than five hundred thousand dollars.

SEC. 5. The embezzlement of the funds or property of any corporation or joint stock association for banking purposes by any officer or agent thereof shall be deemed a felony, and it shall be the duty of the general assembly to provide for the punishment of such felony by imprisonment in the penitentiary.

SEC. 6. This article shall be separately submitted to a vote of the people, and if voted for by a majority of all voting on the question, shall become a part of this constitution.

Mr. Edmonson offered the following as a substitute:

SECTION 1. No corporate body shall hereafter be created within this state, with banking or discount privileges, either under special or general laws.

SEC. 2. No state bank shall hereafter be created, nor shall the state own or be liable for any stock in any corporation or joint stock association for banking purposes.

SEC. 3. Should this constitution at any time be amended, by striking from it the total prohibition, contained in the first section of this article, no act of the general assembly authorizing corporations or associations with banking powers, shall go into effect or in any manner be in force, un-



less the same be directly submitted to the people at the general election next succeeding the passage thereof; and shall have been approved by a majority of all the votes cast at such election.

SEC. 4. The general assembly of this state shall, in the year one thousand eight hundred and fifty one, and every ten years thereafter, propose such amendments to this constitution as a majority of all the members elected to each house shall deem expedient. The vote upon each proposition to be taken by yeas and nays, in each house; and then it shall be the duty of the legislature to submit the proposed amendment or amendments to the people at the next general election in this state, in such manner as they by law shall prescribe; and if the people shall approve and ratify such amendment or amendments, by a majority of the qualified voters voting at such election, such amendment or amendments shall become a part of this constitution.

Mr. Armstrong offered the following as an amendment to the substitute:

Whereas, believing that money is and ought to be of uniform specific character and value, in order to answer the purpose for which it was designed, the medium of trade and commerce, and the standard of value for all commodities, and believing that paper money is but the representative and not the reality—a shadow or promise of the substance on which no reliance can be placed, and varying the value with the credulity and caprice of men, according to time, place and circumstances, that it is impotent and inefficient to discharge any debt except at the pleasure of the receiver. It is of evil, corrupting and demoralizing tendencies, therefore fatal to the best interest and moral condition of man, imposing an enormous tax on the producing class for the support of an idle and non-producing class. That it encourages and enables one portion of community to live in idleness and mischief, at the expense and from the labor of the rest, that it renders bankruptcy and pauperism popular and common; that it inverts the order of nature and social obligations by making the wealthy splendid and magnificent paupers on the laboring poor; it also subjects the trader and trade to great trouble and loss by its uncertain and fluctuating value, and consequently exposes every man to want and beggary, thus degrading human feelings, encouraging men with delusive hopes of wealth from trade and speculation, and diminishing labor, the only source of wealth; therefore,

*Resolved*, That paper money bankruptcy is inexpedient and ought not to be tolerated in this state.

On motion of Mr. McCallen,

The whole subject was laid on the table, until the first day of January next.

On motion of Mr. Kinney of St. Clair,

Leave of absence was granted to Mr. McCully for ten days.

Mr. Allen, from the committee on the Bill of Rights, to which was referred the petition of Albert Tuttle and others, citizens of Winnebago county, praying that no distinction be made on account of ancestry or color, reported that the committee had had the subject under consideration, and asked to be discharged from the further consideration thereof.

The question was taken, and the committee discharged.



Mr. Thomas moved that the secretary of state be requested to procure a carpet for the hall.

Mr. Vance moved to amend the motion so that the door keepers shall replace so much of the old carpet as is suitable.

The question was taken and the amendment agreed to.

The question recurred on the motion as amended, and being taken, it was decided in the affirmative.

On motion of Mr. Kinney of St. Clair,

*Ordered*, That the secretary of state be requested to examine the old carpet, and to procure so much new carpet as may be necessary to cover the floor of the hall.

On motion,

The convention adjourned.

## TUESDAY, JULY 27, 1847.

The convention met pursuant to adjournment.

Prayer by Rev. Mr. Palmer of Marshall, a member.

The journal of yesterday was read.

Mr. Dummer presented the petition of Charles Chandler, and twenty-six others, citizens of Cass and Mason counties, praying that provision may be made in the new constitution for the office of superintendent of public instruction.

On motion of Mr. Dummer,

The reading was dispensed with, and the petition referred to the committee on Education.

On motion of Mr. Edwards of Sangamon,

A call of the convention was ordered.

The call was proceeded in for some time, when,

On the further motion of Mr. Edwards of Sangamon,

Further proceedings under it were dispensed with.

According to order, the convention resolved itself into a committee of the whole, again to consider the report of the committee on Elections and the Right of Suffrage—Mr. Harvey in the chair.

The question pending when the committee last rose, was on the motion of Mr. Geddes to amend the amendment offered by Mr. Roman to the first section; when,

Mr. Roman offered the following as a modification of his amendment:

Amend the first section by inserting after the word, "constitution," in the fourth line, the words "and all free white male inhabitants of the age aforesaid, not being citizens of the United States, who shall have resided in this state one year, and shall have declared their intention to become citizens of the United States by a declaration of that intention, in conformity with the laws of the United States; *Provided*, whenever congress shall dispense with a declaration of intention as a requisite to naturalization, the declaration of intention required above shall be made and filed in the office of the clerk of any court of record in this state."

After some time,



On motion of Mr. Bosbyshell,

The committee rose, reported progress, and asked leave to sit again; which was granted.

On motion,

The convention adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

According to order, the convention resolved itself into a committee of the whole, again to consider the report of the committee on Elections and the Right of Suffrage—Mr. Harvey in the chair.

The question pending was on the modified amendment offered by Mr. Roman to the first section.

After some time,

On motion of Mr. Geddes,

The committee rose, reported progress, and asked leave to sit again; which was granted.

On motion,

The convention adjourned.

WEDNESDAY, JULY 28, 1847.

Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Finley.

The journal of yesterday was read.

On motion of Mr. West,

Leave of absence was granted to Mr. Bond for six days, in consequence of sickness.

On motion of Mr. Knapp of Jersey,

Leave of absence was granted to Mr. Harding for seven days from next Friday.

On motion of Mr. Geddes,

Leave of absence was granted to Mr. Moore for eight days, in consequence of sickness in his family.

On motion of Mr. Brockman,

Leave of absence was granted to Mr. McHatton for fourteen days, and to Mr. Huston for eight days, in consequence of sickness.

According to order, the convention resolved itself into a committee of the whole, again to consider the report of the committee on Elections and the Right of Suffrage—Mr. Harvey in the chair.

Mr. Whiteside offered the following to be added to the amendment, which was accepted by Mr. Roman, as a further modification of the amendment:

*"And provided further, that if such inhabitant shall not perfect citizenship according to the laws of the United States, at the earliest practicable*



period after declaration of intention, then the elective franchise shall cease, until citizenship shall have been perfected."

After some time spent in the consideration thereof.

On motion of Mr. Markley,

The committee rose, reported progress, and asked leave to sit again; which was granted.

On motion,

The convention adjourned.

## THURSDAY, JULY 29, 1847.

The convention met pursuant to adjournment.

Prayer by the Rev Mr. Crist.

The journal of yesterday was read.

On motion of Mr. Marshall of Coles,

Leave of absence was granted to Mr. Trower for ten days, in consequence of sickness.

On motion of Mr. Williams,

Leave of absence was granted to Messrs. Powers and Laughlin for ten days.

On motion of Mr. Davis of McLean,

A call of the convention was ordered.

The call having been proceeded in for some time, and a quorum being present,

On motion of Mr. Z. Casey,

Further proceedings under the call were dispensed with.

According to order, the convention resolved itself into a committee of the whole, again to consider the report of the committee on Elections and the Right of Suffrage—Mr. Harvey in the chair.

The question pending when the committee rose on yesterday, was on the modified amendment offered by Mr. Roman, as further modified by the proviso offered by Mr. Whiteside.

The question was taken, and the amendment rejected.

Mr. Mason moved to amend the first section by inserting after the word "constitution," in the fourth line, the words "and who shall have voted, under the laws of this state, at any election in this state, and who shall have declared his intention to become a citizen of the United States, and taken an oath of allegiance to the state, and to the United States."

The question was taken, and the amendment rejected.

Mr. Dawson moved to amend the same section by striking out all after the word "reside," in the fifth line, and insert in lieu thereof the words: "Having resided in such county or district at least three months previous to such election, and shall have paid a state or county tax."

The question was taken, and the amendment rejected.

Mr. Bosbyshell moved to amend the same section by striking out the words "one year," in the sixth line, and by inserting in lieu thereof the words "six months."

Mr. McCallen called for a division, so as to vote first on striking out.



The question was taken on striking out, and decided in the negative.

Mr. Mason moved to amend the same section by striking out the words "district or county," in the fifth line, and by inserting in lieu thereof the words "precinct or ward."

A division of the question being called for,

The question was taken on striking out, and decided in the negative.

Mr. Knox moved to amend the same section by inserting after the word "constitution," in the fourth line, the words "and shall have declared his intention to become a citizen."

Mr. Ballingall moved to amend the second section by adding the following proviso:

"*Provided*, the legislature may at any time change the mode of voting to that of *viva voce*."

Mr. Whiteside moved to strike out the second section.

The question was taken on the amendment proposed by Mr. Ballingall, and the amendment rejected.

The question was taken on striking out the second section, and decided in the negative.

Mr. Jenkins moved to amend the second section by adding thereto the words:

"And to secure the free suffrage of the people of the state, by prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, threats, crowding the polls at elections, so as to prevent electors voting, or other improper practices."

The question was taken, and the amendment rejected.

Mr. West moved to amend the 8th section by striking out the word "November," and by inserting in lieu thereof the word "September."

Mr. Constable called for a division, so as to vote first on striking out.

The question was taken on striking out, and decided in the negative.

On motion of Mr. Z. Casey,

The committee rose, reported back the article without amendment, and asked the concurrence of the convention therein.

Mr. Scates moved to lay the article, as reported, on the table.

And the question was taken, and decided in the negative.

On motion of Mr. Armstrong,

The first section of the report was taken up for consideration.

Mr. Armstrong moved to amend the first section by inserting after the word "constitution," the words following:

"And all free white male inhabitants of the age aforesaid, not being citizens of the United States, who shall have resided in this state two years, and shall have declared their intention to become citizens of the United States, by a declaration of that intention, in conformity with the laws of the United States; *Provided*, whenever congress shall dispense with a declaration of intention as a requisite to naturalization, the declaration of intention required above shall be made and filed in the office of the clerk of any court of record in this state; *And provided, further*, that if such inhabitant shall not perfect citizenship according to the laws of the United States, at the earliest practicable period after declaration of intention, then the elective franchise shall cease until citizenship shall have been perfected."

Mr. Kitchell moved to postpone the further consideration of the first section.



The question was taken, and decided in the negative.

Mr. Bosbyshell moved to adjourn until three o'clock, P. M.

The question was taken, and decided in the negative.

On motion of Mr. Scates,

A call of the convention was ordered.

The call was proceeded in, and 146 members having answered to their names,

On motion of Mr. Constable,

Further proceedings under the call were dispensed with.

Mr. Roman moved to amend the amendment by striking out the word "two," and by inserting in lieu thereof the word "one."

A division having been called for.

The question was taken on striking out, and decided in the negative.

Mr. Hayes moved to amend the amendment by inserting the word "other" after the word "all," in the first line, and further to amend by striking out the words "not being citizens of the United States;" which was accepted by Mr. Armstrong as a modification.

Mr. Scates moved to amend the section by striking out the words "shall have the right of voting as aforesaid," and to amend the amendment as modified, by inserting the same words before the first proviso; which was also accepted by Mr. Armstrong as a further modification of the amendment.

The question was taken, by yeas and nays, on the adoption of the amendment, as modified,

And decided in the negative,	{ Yeas,	:	:	:	:	66
	{ Nays,	:	:	:	:	78

Those voting in the affirmative, are,

Mr. Allen	Mr. Cloud	Mr. Lasater
Anderson	Churchill	Linley
Archer	Davis of Massac	McClure
Armstrong	Dement	Manly
Atherton	Dunlap	Markley
Blair	Farwell	Moffett
Blakely	Green of Clay	Morris
Ballingall	Gregg	Nichols
Brockman	Hatch	Oliver
Bosbyshell	Hayes	Pace
Brown	Heacock	Robbins
Bunsen	Henderson	Roman
Butler	Hill	Rountree
Crain	Hoes	Scates
Caldwell	Hogue	Stadden
Campbell of Jo Daviess	Hunsaker	Sherman
Campbell of McDonough	James	Smith of Gallatin
Carter	Jenkins	Thompson
F. S. Casey	Jones	Tutt
Z. Casey	Kreider	Vernor
Colby	Kinney of St. Clair	Witt
Cross of Woodford	Kitchell	Whiteside.



Those voting in the negative, are,

Mr. Adams	Mr. Harvey	Mr. Pratt
Canady	Hay	Peters
Choate	Holmes	Pinckney
Constable	Hurlbut	Rives
Cross of Winnebago	Jackson	Robinson
Church	Judd	Sharpe
Dale	Knapp of Jersey	Swan
Davis of Montgomery	Knapp of Scott	Spencer
Davis of McLean	Kenner	Servant
Dawson	Kinney of Bureau	Sibley
Deitz	Knowlton	Sim
Dunmer	Knox	Simpson
Dunn	Lander	Singleton
Dunsmore	Lemon	Smith of Macon
Edwards of Madison	Lockwood	Thomas
Edwards of Sangamon	Logan	Thornton
Eccles	McCallen	Turnbull
Evey	Marshall of Coles	Turner
Frick	Marshall of Mason	Tuttle
Graham	Mason	Vance
Geddes	Matheny	Webber
Green of Jo Daviess	Mieure	West
Green of Tazewell	Miller	Williams
Grimshaw	Minshall	Whitney
Harding	Northcott	Woodson
Harper	Palmer of Marshall	Worcester.

Mr. Bosbyshell moved to amend the first section by striking out the words "shall have the right of voting as aforesaid," and by inserting after the word "constitution," in the fourth line, the words following:

"And all other free white male inhabitants of the age aforesaid, who shall have resided in this state three years, and shall have declared their intention to become citizens of the United States, by a declaration of that intention in conformity with the laws of the United States, shall have the right of voting as aforesaid; *Provided*, whenever congress shall dispense with a declaration of intention as a requisite to naturalization, the declaration of intention above shall be made and filed in the office of the clerk of any court of record in this state; *And provided, further*, that if such inhabitant shall not perfect citizenship according to the laws of the United States, at the earliest practicable period after declaration of intention, then the elective franchise shall cease, until citizenship shall have been perfected."

On motion of Mr. Constable,

The previous question was ordered.

The question was taken, by yeas and nays, on the adoption of the amendment,

And decided in the negative,	{Yeas,	: : : : : 67
	{Nays,	: : : : : 76

Those voting in the affirmative, are,

Mr. Allen	Mr. Atherton	Mr. Brockman
Anderson	Blair	Bosbyshell
Archer	Blakely	Brown
Armstrong	Ballingall	Bunsen



Mr. Butler	Mr. Hatch	Mr. Markley
Crain	Hayes	Moffett
Caldwell	Heacock	Morris
Campbell of Jo Daviess	Henderson	Nichols
Campbell of McDonough	Hill	Oliver
Carter	Hoes	Pace
F. S. Casey	Hogue	Robbins
Z. Casey	Hunsaker	Roman
Colby	James	Rountree
Cross of Woodford	Jenkins	Scates
Cloud	Jones	Stadden
Churchill	Kreider	Sherman
Dale	Kinney of St. Clair	Smith of Gallatin
Davis of Massac	Kitchell	Thompson
Dement	Lasater	Tutt
Dunlap	Linley	Vernor
Farwell	McClure	Witt
Green of Clay	Manly	Whiteside.
Gregg		

Those voting in the negative, are,

Mr. Adams	Mr. Hay	Mr. Pratt
Canady	Holmes	Pinckney
Choate	Hurlbut	Rives
Constable	Jackson	Robinson
Cross of Winnebago	Judd	Sharpe
Church	Knapp of Jersey	Swan
Davis of Montgomery	Knapp of Scott	Spencer
Davis of McLean	Kenner	Servant
Dawson	Kinney of Bureau	Sibley
Deitz	Knowlton	Sim
Dummer	Knox	Simpson
Dunn	Lander	Singleton
Dunsmore	Lemon	Smith of Macon
Edwards of Madison	Lockwood	Thomas
Edwards of Sangamon	Logan	Thornton
Eccles	McCallen	Turnbull
Evey	Marshall of Coles	Turner
Frick	Marshall of Mason	Tuttle
Graham	Mason	Vance
Geddes	Matheny	Webber
Green of Jo Daviess	Mieure	West
Green of Tazewell	Miller	Williams
Grimshaw	Minshall	Whitney
Harding	Northcott	Woodson
Harper	Palmer of Marshall	Worcester.
Harvey		

The question was taken, by yeas and nays, on the adoption of the first section,

And decided in the affirmative,	{ Yeas,	:	:	:	:	81
	{ Nays,	:	:	:	:	60

Those voting in the affirmative, are,

Mr. Adams	Mr. Church	Mr. Dunn
Brown	Davis of Montgomery	Dunsmore
Canady	Davis of McLean	Edwards of Madison
Choate	Dawson	Edwards of Sangamon
Constable	Deitz	Eccles
Cross of Winnebago	Dummer	Evey



Mr. Frick	Mr. Knox	Mr. Swan
Graham	Lander	Spencer
Geddes	Lemon	Servant
Green of Jo Daviess	Lockwood	Sibley
Green of Tazewell	Logan	Sim
Grimshaw	McCallen	Simpson
Harding	Marshall of Coles	Singleton
Harper	Marshall of Mason	Smith of Macon
Hay	Mason	Thomas
Hogue	Matheny	Thornton
Holmes	Mieure	Turnbull
Hurlbut	Miller	Turner
Jackson	Minshall	Tuttle
Jones	Northcott	Vance
Judd	Palmer of Marshall	Webber
Knapp of Jersey	Pratt	West
Knapp of Scott	Pinckney	Williams
Kenner	Rives	Witt
Kinney of Bureau	Robinson	Whitney
Kitchell	Rountree	Woodson
Knowlton	Sharpe	Worcester.

Those voting in the negative, are,

Mr. Allen	Mr. Cloud	Mr. Lasater
Anderson	Churchill	Linley
Archer	Dale	McClure
Armstrong	Dement	Manly
Atherton	Dunlap	Markley
Blair	Farwell	Moffett
Blakely	Green of Clay	Morris
Ballingall	Gregg	Nichols
Brockman	Harvey	Oliver
Bosbyshell	Hatch	Pace
Bunsen	Hayes	Robbins
Butler	Heacock	Roman
Crain	Henderson	Scates
Campbell of Jo Daviess	Hill	Stadden
Campbell of McDonough	Hoes	Sherman
Carter	Hunsaker	Smith of Gallatin
F. S. Casey	James	Thompson
Z. Casey	Jenkins	Tutt
Colby	Kreider	Vernor
Cross of Woodford	Kinney of St. Clair	Whiteside.

Mr. Constable moved the previous question on the adoption of the second section.

The question was taken, and decided in the negative.

Mr. Robbins moved to amend the second section by striking out the two last words, and by inserting in lieu thereof, the words "*viva voce* until otherwise directed by the legislature."

Mr. Pratt called for a division, so as to vote first on striking out.

The question was taken, and decided in the negative.

Mr. Dement moved to amend the same section by adding thereto the words "until otherwise provided by law."

The question was taken, and decided in the negative.

The question was taken, by yeas and nays, on the adoption of the second section,



And decided in the affirmative,	{ Yeas,	. . . . .	96
	{ Nays,	. . . . .	41

Those voting in the affirmative, are,

Mr. Adams	Mr. Harvey	Mr. Moffett
Anderson	Hatch	Morris
Armstrong	Hay	Nichols
Blakely	Heacock	Palmer of Marshall
Bosbyshell	Henderson	Pratt
Butler	Hill	Pinckney
Canady	Hogue	Rives
Campbell of Jo Daviess	Holmes	Robinson
Carter	Hurlbut	Roman
Choate	Jackson	Rountree
Constable	Jones	Sharpe
Cross of Winnebago	Judd	Stadden
Cloud	Knapp of Jersey	Swan
Church	Knapp of Scott	Spencer
Churchill	Kreider	Sherman
Dale	Kinney of Bureau	Servant
Davis of Montgomery	Kitchell	Sibley
Davis of McLean	Knowlton	Simpson
Dawson	Knox	Singleton
Deitz	Lander	Smith of Macon
Dement	Lemon	Thomas
Dummer	Linley	Thompson
Dunlap	Lockwood	Turnbull
Dunsinore	McCallen	Turner
Edwards of Madison	McClure	Tuttle
Frick	Manly	Vance
Geddes	Markley	West
Green of Clay	Marshall of Coles	Williams
Green of Jo Daviess	Mason	Witt
Green of Tazewell	Matheny	Whitney
Grimshaw	Mieure	Woodson
Harding	Minshall	Worcester.
Harper		

Those voting in the negative, are,

Mr. Allen	Mr. Dunn	Mr. Miller
Archer	Edwards of Sangamon	Northcott
Atherton	Eccles	Oliver
Blair	Evey	Pace
Ballingall	Graham	Robbins
Brockman	Hayes	Scates
Bunsen	Hunsaker	Sim
Crain	James	Smith of Gallatin
Caldwell	Jenkins	Thornton
Campbell of McDonough	Kenner	Tutt
F. S. Casey	Kinney of St. Clair	Vernor
Z. Casey	Lasater	Webber
Colby	Logan	Whiteside.
Cross of Woodford	Marshall of Mason	

On motion of Mr. Scates,

The question was taken upon the adoption of all the remaining sections of the report, except the 8th section, and decided in the affirmative.

Mr. Adams moved to amend the eighth section by inserting after the word "on," the words "the Tuesday next after."



Mr. Markley moved to adjourn until three o'clock, P. M.  
The question was taken, and decided in the negative.

On motion,

The convention adjourned until 3 o'clock, P. M.

### THREE O'CLOCK, P. M.

The convention assembled pursuant to adjournment.

The question pending when the convention adjourned was on the amendment proposed by Mr. Adams to the 8th section.

The question was taken, and the amendment agreed to.

Mr. Harvey moved to amend the same section by striking out the word "biennially."

Mr. Campbell of McDonough moved a call of the convention.

The question was taken, and decided in the negative.

The question was taken on the amendment offered by Mr. Harvey, and decided in the negative.

Mr. Thomas moved to amend the same section by adding thereto the following:

"Until otherwise provided by law."

On motion of Mr. Armstrong,

A call of the convention was ordered.

One hundred and ten members having answered to their names,

On motion of Mr. Thomas,

Further proceedings under the call were dispensed with.

Mr. Armstrong called for the yeas and nays on the amendment, when

Mr. Thomas withdrew the amendment, and

Mr. Hayes renewed the same amendment.

Mr. Adams moved to amend the amendment by substituting therefor at the end of the section, the words "except such elections as shall be specially provided for in this constitution."

The question was taken, and the substitute rejected.

The question was taken, by yeas and nays, on the amendment,

And decided in the affirmative,	{ Yeas,	:	:	:	:	72
	{ Nays,	:	:	:	:	50

Those voting in the affirmative. are,

Mr. Allen  
Archer  
Atherton  
Blair  
Bunsen  
Crain  
Canady  
F. S. Casey  
Z. Casey  
Cross of Winnebago  
Cloud  
Church

Mr. Churchill  
Dale  
Davis of Montgomery  
Dummer  
Dunlap  
Dunn  
Dunsmore  
Eccles  
Edmonson  
Frick  
Graham  
Green of Clay

Mr. Green of Jo Daviess  
Green of Tazewell  
Gregg  
Grimshaw  
Harding  
Harper  
Hay  
Hayes  
Hunsaker  
Jackson  
James  
Jenkins



Mr. Jones	Mr. Markley	Mr. Singleton
Judd	Marshall of Mason	Smith of Gallatin
Knapp of Jersey	Northcott	Thomas
Kreider	Pace	Thornton
Kenner	Palmer of Marshall	Turnbull
Kitchell	Pratt	Tutt
Knowlton	Rives	Tuttle
Lander	Robbins	Webber
Lasater	Roman	West
Lemon	Servant	Witt
Linley	Sibley	Whiteside
Manly	Simpson	Worcester.

Those who voted in the negative, are,

Mr. Adams	Mr. Harvey	Mr. Nichols
Anderson	Hatch	Oliver
Armstrong	Heacock	Pinckney
Blakely	Hill	Robinson
Brockman	Hogue	Sharpe
Butler	Holmes	Stadden
Campbell of McDonough	McCallen	Swan
Carter	McClure	Sim
Choate	Marshall of Coles	Smith of Macon
Colby	Mason	Turner
Cross of Woodford	Matheny	Vance
Dawson	Mieure	Vernor
Edwards of Sangamon	Miller	Whitney
Geddes	Moffett	Woodson.

On motion of Mr. Woodson,

The article as adopted was referred to the committee on the Revision and Adjustment of the Articles of the Constitution.

On motion of Mr. Thomas,

The report of the committee on the Militia and Military Affairs was taken from the table, and referred to a committee of the whole convention.

On motion of Mr. Thomas,

The convention resolved itself into a committee of the whole, to consider the report of the committee on the Militia and Military Affairs—Mr. Thomas in the chair; (that report being the 5th article in the constitution.)

Mr. McCallen moved to amend the amendment by striking out the words "officers of," and by inserting in lieu thereof the words "persons composing."

Mr. Campbell of McDonough moved to amend the amendment by inserting after the word "persons," the words "except foreigners."

The question was taken on the amendment to the amendment, and decided in the negative.

Mr. Whiteside called for a division, so as to vote first on striking out.

The question was taken on striking out, and decided in the negative.

Mr. Knapp of Jersey moved to amend the fifth section by striking out all after the word "commissions," and by inserting in lieu thereof the words "for such time as the legislature may provide."

Mr. Kenner moved to amend the amendment by substituting therefor



the words "for ten years, and until their successors are elected and qualified."

The question was taken, and the substitute rejected.

The question was taken on the amendment offered by Mr. Knapp of Jersey, and decided in the affirmative.

Mr. McCallen moved to add the following as an additional section:

"SEC. 7. All persons who shall enroll themselves into volunteer companies, uniform, equip and hold themselves in readiness for service, shall be exempt from serving on juries, and paying a capitation tax for road purposes."

Mr. Campbell of McDonough moved to amend the proposed section by inserting after the word "persons," in the first line, the words "except foreigners."

The question was taken, and the amendment rejected.

Mr. Kitchell moved to amend the proposed section by striking out the words "serving on juries and."

The question was taken, and the amendment rejected.

Mr. Campbell of McDonough moved to amend the proposed section by striking out all after the word "juries."

The question was taken, and the amendment rejected.

The question was taken on the adoption of the proposed section, and decided in the negative.

On motion of Mr. Hayes,

The committee rose, reported back the report to the convention, as amended, and recommended the adoption of the reported article, as amended.

The question was taken on concurring with the committee of the whole in the report, and decided in the affirmative.

Mr. Harding moved the following as an additional section:

"SEC. 7. All persons subject to military duty shall be exempt therefrom in time of peace, only in case of invasion, upon paying the sum of fifty cents per year, for use of volunteer companies, to be disbursed according to law."

Mr. Edwards of Sangamon moved to amend the proposed section by striking out all after the word "year," and by inserting in lieu thereof the following:

"To be paid into the state treasury and applied to the payment of the public debt."

The question was taken, and the amendment rejected.

The question was taken on the adoption of the additional section as proposed by Mr. Harding, and decided in the negative.

The question was taken on the adoption of the article, as amended, and decided in the affirmative.

On motion of Mr. Thomas,

The article was referred to the committee on the Revision and Adjustment of the Articles of the Amended Constitution.

On motion,

The convention adjourned to to-morrow morning.



FRIDAY, JULY 30, 1847.

The convention assembled pursuant to adjournment.

The journal of yesterday was read.

Mr. Marshall of Mason presented the petition of William Atwater and twenty-four others, citizens of Mason county, praying that provision may be made in the new constitution for the office of superintendent of public instruction, with a liberal salary; which, without reading, was, on his motion, referred to the committee on Education.

On motion of Mr. Turnbull,

Leave of absence was granted to Mr. Frick for eight days.

Mr. Sherman moved to take the report of the committee on Incorporations from the table.

The question was taken, and decided in the negative.

On motion of Mr. Z. Casey,

The convention resolved itself into a committee of the whole, to consider the report of the committee on Revenue—Mr. Edwards of Sangamon in the chair.

Mr. Archer moved to strike out the word "shall," in the first line of the first section, and to insert in lieu thereof the word "may," and to strike out all after the word "each," and to insert in lieu thereof, the words "when the legislature may deem it necessary."

On motion of Mr. Markley,

The committee rose, reported progress, and asked leave to sit again; which was granted.

On motion,

The convention adjourned until three o'clock. P. M.

THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

The question pending when the committee rose this morning was on the amendment offered by Mr. Archer to the first section.

The question was taken, and the amendment agreed to.

Mr. Woodson moved to strike out the first section, and to insert in lieu thereof the following:

"The legislature shall cause to be collected from all free white male inhabitants of this state over the age of twenty-one years, and under the age of fifty years, a capitation tax of not less than fifty cents, nor more than one dollar each, until the payment of the state debt, to be paid into the state treasury, and applied as the legislature may direct; *Provided*, when the poll tax herein provided for shall be fixed at one dollar, no person paying said tax shall be required to perform more than one day's labor on the public roads during the year, but when said tax shall be fixed at less than one dollar, two days' labor may be required.



"SEC. 2. The foregoing section shall be submitted separately to the people at the same time that the constitution shall be submitted to them for their ratification or rejection, and if a majority of the votes polled at such election shall be in favor of such tax, then the same shall be a part of the constitution of the state; but if a majority of the votes shall be cast against said section, then the same shall not be a part of the constitution, but the legislature may, notwithstanding, when they shall deem it advisable, levy such tax as is provided in said first section."

Mr. Scates moved to amend the substitute by striking out all after the words "may direct," and by inserting in lieu thereof the words following:

"*Provided*, that whenever a capitation tax is assessed as provided in this section, there shall also be assessed and collected an additional capitation tax of — amount on every \$100, on the following property, viz:

"On the excess in value above \$1000 of all dwelling, commercial, and manufacturing houses and appurtenances;

"On the excess in value above \$100, of all household and kitchen furniture, and

"On all jewels, trinkets, ornaments, time-pieces, and pleasure carriages."

The question was taken, and the amendment rejected.

Mr. Geddes moved to amend the substitute by adding at the end of the first section the following:

"And all persons not otherwise taxed, by neglecting or refusing to pay said tax shall be denied the right of voting."

The question was taken, and the amendment rejected.

Mr. Woodson modified the first section of the substitute by striking out the proviso.

Mr. Churchill moved to amend the second section of the substitute by striking out all after the third word "constitution," and to insert in lieu thereof the words "if the majority of the votes given at such election shall be against a capitation tax, the legislature shall have no power to levy such tax, without submitting the law to a vote of the people."

The question was taken, and the amendment rejected.

Mr. Dawson moved to strike out the word "fifty," in the first section of the substitute.

The question was taken, and decided in the affirmative.

Mr. Kinney of Bureau moved to fill the blank with the words "sixty-five."

Mr. Thompson moved the word "seventy."

The question was taken on inserting the word "seventy," and decided in the affirmative.

Mr. Farwell moved to amend the first section of the substitute, by striking out the word "white."

The question was taken, and decided in the negative.

Mr. Stadden moved to amend the first section of the substitute by striking out the word "inhabitant," and by inserting in lieu thereof the word "voter."

Mr. McCallen called for a division, so as to vote first on striking out.

The question was taken, and decided in the affirmative.

The question was taken on inserting the word "voter," and decided in the affirmative.



Mr. Hogue called for a division, so as to vote first on striking out the section.

The question was taken, and the committee refused to strike out the first section.

Mr. Smith of Macon moved to amend the first section by striking out the word "sixty," and by inserting in lieu thereof the word "fifty."

The question was taken, and the amendment rejected.

Mr. Thomas moved to strike out the first section and insert in lieu thereof the following:

"For the purpose of defraying the charges and expenses incident to the existence and administration of government, the government of and property within the state, shall be assessed and taxed by uniform and equal rates. Property shall be taxed according to its value, to be ascertained in the manner herein prescribed. The objects of taxation shall be lands, tenements, and hereditaments; capital invested in corporations or associations; franchises, stock in trade, money deposited or loaned at interest, personal property of every description, auctioneers, brokers, pedlers, retailers of spirituous or other liquors, commission merchants, and male inhabitants over twenty-one and not exceeding sixty years of age."

Mr. Butler moved to amend the substitute by substituting therefor the following:

"The legislature shall have power to authorize each county in this state to cause to be collected from all free white male inhabitants of such county, a capitation tax, not to exceed one dollar, to be applied in such manner, and for such purposes, as the county in which the same may be collected shall direct."

The question was taken, and decided in the negative.

Mr. Anderson moved to amend the substitute, by substituting therefor the following:

"The legislature may cause to be collected from all free white male persons of this state, entitled to the right of suffrage, over the age of twenty-one years, and under the age of sixty years, a capitation tax of not less than fifty cents nor more than one dollar each, whenever the legislature may deem it expedient, to be exclusively applied to the payment of the state debt."

The question was taken, and the amendment rejected.

Mr. Thomas modified the substitute by striking out the word "merchants."

On motion of Mr. Hay,

The first section was amended by inserting between the words "all" and "free," the words "able-bodied."

Mr. Roman moved to amend the first section by inserting after the words "sixty years," the words "are entitled to the right of suffrage."

Mr. Thomas withdrew the proposed substitute for the first section.

The question was taken on the amendment proposed by Mr. Roman, and decided in the affirmative.

Mr. Vance moved to amend the first section, as amended, by adding thereto the following:

"Which tax shall be paid into the county treasury of the county wherein said tax shall be collected, to be applied to county purposes."



The question was taken, and the amendment rejected.

Mr. Kenner moved to amend the same section by striking out the words "less than fifty cents nor."

The question was taken, and the amendment rejected.

Mr. Hurlbut moved to amend the same section by striking out the word "free."

The question was taken, and decided in the negative.

Mr. Deitz moved to amend the section by inserting after the word "persons," the words "or persons."

The question was taken, and decided in the affirmative.

Mr. Brockman moved to amend the second section by striking out the words "or appointed."

The question was taken, and the amendment rejected.

On motion of Mr. Sherman,

The same section was amended by inserting the word "merchants," after the words "hawkers."

Mr. Campbell of McDonough moved to amend the same section by inserting after the words "commission merchants," the words "doctors, lawyers," and to insert after the words "grocery keepers," the words "clerks of the circuit and county commissioners' courts."

The question was taken, and the amendment rejected.

Mr. Scates moved to amend the same section by striking out the words "grocery keepers," and insert in lieu thereof the words "toll bridges."

The question was taken, and decided in the negative.

Mr. Northcott moved to amend the same section by inserting after the words "grocery keepers," the words "toll bridges."

The question was taken, and the amendment agreed to.

Mr. Wead moved to amend the same section by striking out all between the word "ascertained" and the words "in such manner."

The question was taken, and decided in the negative.

Mr. Markley moved to amend the same section by striking out all to the word "pedlers," and by inserting in lieu thereof the words "the legislature shall provide for levying a tax by valuation upon real and personal estate; such value to be ascertained by some person to be elected or appointed in each county in the state, in such manner as the legislature shall direct; *Provided*, the legislature may fix a minimum value upon real estate, and exempt from taxation such property as it may deem proper; *And provided*, further, that the legislature shall have power to tax."

Mr. Knox moved for a division, so as to vote first on striking out.

The question was taken on striking out, and decided in the negative.

Mr. West moved to amend the second section, by inserting after the word "property," in the second line the words "*Provided*, that no land shall be valued at less than two dollars per acre."

The question was taken, and the amendment rejected.

Mr. Scates moved to amend the same section by inserting after the word "person," the following: "corporation and government."

On motion of Mr. Brockman,

The committee rose, reported progress, and asked leave to sit again; which was granted.

On motion,

The convention adjourned.



SATURDAY, JULY 31, 1847.

The convention assembled pursuant to adjournment.

The journal of yesterday was read.

Leave of absence was granted to Mr. Jackson for eight days.

Mr. Crain, from the committee on Miscellaneous Subjects and Questions, to which was referred various resolutions in relation to the re-organizing of county and probate courts, made the following report:

## ARTICLE —.

**SECTION 1.** There shall be in each county in this state a county court, to consist of one judge and two associates, who shall be elected by the qualified voters of the county on the same day fixed for the election of other judicial officers, who shall hold their offices four years and until their successors are elected and qualified.

**SEC. 2.** Said courts shall be a substitute for the present county commissioners' courts and probate courts of this state, and shall have the same jurisdiction as now exercised by said courts, and as may from time to time be provided by law.

**SEC. 3.** Said courts shall have jurisdiction of all actions of debt and assumpsit when the amount in controversy does not exceed three hundred dollars; all actions of trespass, trover, case and replevin, when the amount in controversy does not exceed one hundred dollars; of all questions of forcible detainer, with appellate jurisdiction from justices of the peace, and such other jurisdiction as the legislature may confer.

**SEC. 4.** There shall be elected at the same time and in the same manner, a clerk of said court, who shall hold his office four years and until his successor is qualified, who shall do such duties as are now performed by the clerks of the county commissioners' courts, and such other duties as may be prescribed by law, whose compensation shall be fees.

**SEC. 5.** The legislature shall fix a fee-bill for the several officers of this state, whose compensation shall be fees for services rendered, and the several county courts shall have power to reduce the rate of fees accruing to any officer in the county, by a certain per cent., when in their opinion such fees yield more than adequate pay for the services rendered.

**SEC. 6.** Pleadings in the county courts shall be oral.

**SEC. 7.** Appeals may be taken from the county to the circuit courts, but all appeals shall be tried *de novo*. And if either party shall desire to preserve the record in any case on appeal, a declaration shall be filed in the circuit court, as though the case was an original one in that court.

**SEC. 8.** Whenever it shall become necessary to sell real estate in order to carry into effect a judgment of the county court, execution shall issue and sale be effected in such manner as may be prescribed by law.

**SEC. 9.** Said court shall hold its sessions quarterly for the trial of causes, the transaction of county business and ministerial duties.

**SEC. 10.** The president judge shall act as a court of probate in vacation, with power to reserve questions for decision until the quarterly ses-



sions, when the judgment of the associates is desired by either of the parties.

SEC. 11. Suitors in the county courts shall have the right of trial by jury.

SEC. 12. The president judge shall be paid an annual salary as the legislature may direct, to exceed in no case ——— dollars, and to range below that sum according to the amount of taxes paid in the county.

SEC. 13. The associates to be paid two dollars per day, while employed, out of the county treasury.

SEC. 14. No person shall hold two or more lucrative offices at the same time.

On motion of Mr. Armstrong,

The report was laid on the table, and two hundred and fifty copies ordered to be printed for the use of the convention.

On motion of Mr. Smith of Macon,

Leave of absence was granted to Mr. Lemon for four days.

Mr. Z. Casey moved to take from the table the resolution introduced by him some days since, fixing the period of a *sine die* adjournment.

On motion of Mr. Shumway,

A call of the convention was ordered.

One hundred and thirteen members having answered to their names, and a quorum being present,

On motion of Mr. Shumway,

Further proceedings under the call were dispensed with.

The question was then taken, by yeas and nays, on suspending the rule and taking up the resolution, and

It was decided in the affirmative,	{ Yeas,	:	:	:	:	87
	{ Nays,	:	:	:	:	30

Those voting in the affirmative, are,

Mr. Allen  
Anderson  
Atherton  
Blair  
Blakely  
Bunsen  
Butler  
Crain  
Canady  
Caldwell  
Campbell of McDonough  
Carter  
F. S. Casey  
Z. Casey  
Choate  
Cross of Woodford  
Cloud  
Churchill  
Dale  
Davis of Montgomery  
Davis of Massac  
Dement  
Dunlap  
Dunn  
Dunsmore  
Edwards of Sangamon  
Eccles  
Edmonson  
Evey

Mr. Farwell  
Graham  
Green of Clay  
Green of Tazewell  
Grimshaw  
Harper  
Hay  
Henderson  
Hill  
Hogue  
Hunsaker  
Hurlbut  
James  
Jenkins  
Judd  
Knapp of Jersey  
Knapp of Scott  
Kreider  
Kinney of St. Clair  
Kitchell  
Knox  
Lasater  
Linley  
Lockwood  
McClure  
Manly  
Marshall of Mason  
Mieure  
Miller

Mr. Moffett  
Morris  
Nichols  
Northcott  
Oliver  
Pace  
Palmer of Marshall  
Pinckney  
Robbins  
Roman  
Rountree  
Scates  
Sharpe  
Stadden  
Swan  
Spencer  
Sherman  
Sim  
Simpson  
Smith of Gallatin  
Smith of Macon  
Shumway  
Vance  
Webber  
West  
Witt  
Whiteside  
Whitney  
Woodson.



Those voting in the negative, are,

Mr. Adams	Mr. Green of Jo Daviess	Mr. Peters
Armstrong	Hatch	Rives
Bosbyshell	Heacock	Robinson
Colby	Holmes	Sibley
Cross of Winnebago	Knowlton	Thomas
Church	Lander	Thompson
Davis of McLean	McCallen	Turnbull
Dawson	Markley	Turner
Dummer	Marshall of Coles	Tuttle
Geddes	Minshall	Wead.

Mr. Z. Casey modified the resolution by striking out the words "Friday, the 30th instant," and by inserting in lieu thereof the words "the 20th of August next."

Mr. Adams moved to amend the resolution, as modified, by striking out the words "the 20th of August next," and by inserting in lieu thereof the words "the first of September."

A division being called for,

The question was taken on striking out, and decided in the negative.

Mr. Adams moved to amend the resolution by striking out the word "twentieth," and inserting in lieu thereof the word "thirtieth."

A division being called for,

The question was taken on striking out, and decided in the affirmative.

Mr. Lockwood moved to fill the blank with the words "twenty-fifth."

Mr. Edwards of Madison moved to lay the resolution and amendments on the table.

The question was taken, by yeas and nays,

And decided in the negative,	{ Yeas,	:	:	:	:	26
	{ Nays,	:	:	:	:	94

Those voting in the affirmative, are,

Mr. Adams	Mr. Graham	Mr. McCallen
Armstrong	Geddes	Marshall of Coles
Bosbyshell	Green of Jo Daviess	Mason
Colby	Gregg	Peters
Church	Hatch	Turnbull,
Davis of McLean	Heacock	Turner
Dummer	Hogue	Wead
Edwards of Madison	Knowlton	West.
Edwards of Sangamon	Lander	

Those voting in the negative, are,

Mr. Allen	Mr. F. S. Casey	Mr. Dement
Anderson	Z. Casey	Dunlap
Atherton	Choate	Dunn
Blair	Cross of Winnebago	Dunsmore
Blakely	Cross of Woodford	Eccles
Brockman	Cloud	Edmonson
Bunsen	Churchill	Evey
Butler	Dale	Farwell
Crain	Davis of Montgomery	Green of Clay
Canady	Davis of Massac	Green of Tazewell
Campbell of McDonough	Dawson	Grimshaw
Carter	Deitz	Harper



Mr. Harvey	Mr. Markley	Mr. Sharpe
Hay	Marshall of Mason	Stadden
Henderson	Mieure	Swan
Hill	Miller	Spencer
Holmes	Minshall	Sibley
Hunsaker	Moffett	Sim
Hurlbut	Morris	Simpson
James	Nichols	Smith of Gallatin
Jenkins	Northcott	Smith of Macon
Judd	Oliver	Shumway
Knapp of Jersey	Pace	Thomas
Knapp of Scott	Palmer of Marshall	Thompson
Kreider	Pinckney	Tuttle
Kinney of St. Clair	Rives	Vance
Kitchell	Robbins	Webber
Knox	Robinson	Witt
Lasater	Roman	Whiteside
Linley	Rountree	Whitney
Lockwood	Scates	Woodson.
McClure		

Mr. Edwards of Sangamon rose to a point of order, insisting that the rule (providing that the convention should resolve itself into a committee of the whole, immediately after the reception of reports of committees,) had not been suspended, according to the provision of the 25th rule; two-thirds of the members elected not having voted for the suspension.

The president decided that the rule had been duly suspended by a vote of two-thirds of a quorum.

From which decision Mr. Bosbyshell appealed.

The question being taken, by yeas and nays—"Shall the decision of the chair stand as the judgment of the convention?"

It was decided in the affirmative,	{ Yeas,	:	:	:	94
	{ Nays,	:	:	:	26

Those voting in the affirmative, are,

Mr. Allen	Mr. Eccles	Mr. Lander
Armstrong	Edmonson	Lasater
Atherton	Evey	Linley
Blair	Farwell	Lockwood
Blakely	Green of Clay	Logan
Brockman	Green of Jo Daviess	McClure
Bunsen	Green of Tazewell	Manly
Butler	Gregg	Marshall of Coles
Crain	Harper	Marshall of Mason
Canady	Harvey	Mieure
Caldwell	Hatch	Miller
Campbell of McDonough	Hay	Minshall
Carter	Henderson	Moffett
F. S. Casey	Hill	Morris
Z. Casey	Holmes	Nichols
Choate	Hunsaker	Northcott
Churchill	Hurlbut	Oliver
Dale	James	Pace
Davis of Montgomery	Jenkins	Palmer of Marshall
Davis of McLean	Judd	Robbins
Davis of Massac	Knapp of Jersey	Robinson
Dawson	Knapp of Scott	Roman
Deitz	Kreider	Rountree
Dement	Kinney of St. Clair	Scates
Dunlap	Kitchell	Sharpe
Dunsmore	Knox	Stadden



Mr. Swan  
 Spencer  
 Sherman  
 Sibley  
 Sim  
 Smith of Gallatin

Mr. Smith of Macon  
 Shumway  
 Thomas  
 Thompson  
 Tuttle

Mr. Webber  
 Williams  
 Witt  
 Whitney  
 Woodson.

Those voting in the negative, are,

Mr. Adams  
 Anderson  
 Bosbyshell  
 Cross of Winnebago  
 Church  
 Dummer  
 Edwards of Madison  
 Edwards of Sangamon  
 Graham

Mr. Geddes  
 Grimshaw  
 Heacock  
 Hogue  
 Knowlton  
 McCallen  
 Markley  
 Mason  
 Peters

Mr. Pinckney  
 Rives  
 Simpson  
 Turnbull  
 Turner  
 Vance  
 Wead  
 Whiteside.

Mr. Dawson moved to amend the resolution by adding thereto the following:

*"Provided, no member hereafter shall, on any question, either in committee of the whole or in convention, be allowed to speak more than once on any one question, nor for a longer period than fifteen minutes, and the president of the convention, or chairman of the committee of the whole, is hereby required to rigidly enforce the same."*

On motion of Mr. Z. Casey,

The previous question was ordered.

The question was taken on filling the blank with the word "thirtieth," and decided in the negative.

The question was taken on filling the blank in the resolution with the words "twenty-fifth," and decided in the affirmative.

The question was then taken on agreeing to the amendment offered by Mr. Dawson, and decided in the affirmative.

The question recurred on the adoption of the resolution, as amended, and decided in the affirmative.

According to order, the convention resolved itself into a committee of the whole, again to consider the report of the committee on Revenue—Mr. Edwards of Sangamon in the chair.

The question pending when the committee rose on yesterday, was on the amendment offered by Mr. Scates to the second section.

Mr. Scates having the floor, proceeded in his argument, when the chairman announced that his fifteen minutes had expired.

Mr. Witt moved to suspend the rule to allow Mr. Scates to proceed.

The question was taken, and decided in the negative.

Mr. Logan called for a division, so as to vote first on inserting the word "corporation."

The question was taken, and the word "corporation" inserted.

The question was then taken on inserting the words "and government," and decided in the negative.

Mr. Logan moved to amend the section by striking out the words "in each county in the state," in the second line.

The question was taken, and decided in the affirmative.



Mr. Markley moved to amend the second section by inserting after the word "valuation," in the first line, the words "but may fix a minimum valuation upon real estate."

Mr. Knapp of Jersey moved to amend the amendment by substituting therefor the following:

"But no lands subject to taxation shall be assessed at less than one dollar and twenty-five cents per acre."

The question was taken, and decided in the negative.

On motion of Mr. Geddes,

The committee rose, reported progress, and asked leave to sit again; which was granted.

On motion,

The convention adjourned to 3 o'clock, P. M.

### THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

On motion Mr. Crain,

Leave of absence was granted to Mr. Vernor for ten days.

On motion of Mr. Markley,

A call of the convention was ordered.

The call having been proceeded in for some time,

On motion of Mr. Witt,

Further proceedings under the call were dispensed with.

According to order, the convention resolved itself into a committee of the whole, again to consider the report of the committee on Revenue—Mr. Edwards of Sangamon in the chair.

The question pending when the committee rose this morning, was on the amendment offered to the second section by Mr. Markley.

Mr. Churchill offered the following as a substitute for the amendment:

"But may fix a *minimum* value for the counties of this state, respectively, according to its estimate of the minimum value of lands in each of said counties."

The question was taken, and the substitute rejected.

The question was put on the amendment offered by Mr. Markley, and no quorum voting,

The committee rose, and by their chairman reported that fact to the convention.

On motion of Mr. Z. Casey,

A call of the convention was ordered.

117 members having answered to their names, and a quorum being present,

The chairman resumed his seat in committee of the whole.

The question was taken on the amendment offered by Mr. Markley, and decided in the negative.

Mr. Dawson moved to amend the same section by striking out the words "and not otherwise."



The question was taken, and decided in the negative.

Mr. Turnbull moved to amend the same section by adding thereto the following:

“The legislature may provide for equalizing the valuation of taxable property.”

The question was taken, and the amendment rejected.

Mr. Scates moved to reconsider the vote taken this morning on inserting the words “and government,” in the second section.

The question was taken, and decided in the affirmative; when,

Mr. Scates withdrew the amendment.

Mr. Scates offered the following as an additional section:

“SEC. 3. The general assembly shall provide by law for assessing and collecting a tax of not less than ten nor more than twenty-five per cent. of the retail value, and not less than five nor more than fifteen per cent. of the wholesale value, of all vinous, spirituous, and mixed liquors sold in this state, by wholesale or retail.”

The question was taken thereon, and decided in the negative.

Mr. Turnbull moved to amend the third section by adding at the end of the tenth line, “also all lands set apart for burying ground.”

The question was taken, and the amendment rejected.

Mr. West moved to amend the third section by striking out the first line, and by inserting in lieu thereof, the words:

“The legislature may exempt from taxation the following property.”

The question was taken, and the amendment agreed to.

Mr. Lockwood moved to amend the same section by striking out the word “five,” in the 8th line, and by inserting the words “one hundred and sixty.”

The question was taken, and the amendment rejected.

Mr. Thomas moved to strike out the third section and insert in lieu thereof the following:

“The following property shall be exempt from taxation, viz: The poultry and household and kitchen furniture used by families, not exceeding in value one hundred dollars, and wearing apparel; property belonging to, or held in trust by the state, or to any county, township, or school district, or to cities, towns or villages, and held for public use; property owned and used by corporate bodies for purposes of education or religious worship, or to the burial of the dead; but the general assembly shall have power to limit the quantity of land to be exempt as aforesaid.”

Mr. Kitchell offered the following as a substitute for the substitute to the third section:

“SEC. 3. The legislature shall have the power to exempt from taxation such property as may be deemed necessary.”

The question was taken on agreeing to the substitute for the substitute, and decided in the affirmative.

The question recurred on agreeing to the substitute as amended.

Mr. Witt called for a division, so as to vote first on striking out.

The question was taken, and decided in the negative.

Mr. Lockwood moved the following as an additional section:

SEC. —. Hereafter no purchaser of any land or town lot, at any sale of lands or town lots for taxes due either to this state, or any county, or



incorporated town or city, within the same; or at any sale for taxes or levies authorized by the laws of this state, shall be entitled to a deed for the land or town lot so purchased, until he or she shall have complied with the following conditions, to wit: Such purchaser shall serve, or cause to be served, a written notice of such purchase on every person in possession of such land or town lot, three months before the expiration of the time of redemption on such sale; in which notice he shall state when he purchased the land or town lot, the description of the land or lot he has purchased, and when the time of redemption will expire. In like manner he shall serve on the person or persons in whose name or names such land or lot is taxed, a similar written notice, if such person or persons shall reside in the county where such land or lot shall be situated; and in the event that the person or persons in whose name or names the land or lot is taxed, do not reside in the county, such purchaser shall publish such notice in some newspaper printed in such county; and if no newspaper is printed in the county, then in the nearest newspaper that is published in this state to the county in which such land or lot is situated; which notice shall be inserted three times, the last time not less than three months before the time of redemption shall expire. Every such purchaser, by himself or agent, shall, before he shall be entitled to a deed, make an affidavit of his having complied with the conditions of this section, stating particularly the facts relied on as such compliance; which affidavit shall be delivered to the person authorized by law to execute such tax deed; and which shall, by him, be filed with the clerk of the circuit court of the county where such land or lot shall lie, to be by such clerk carefully preserved among the files of his office, and shall be *prima facie* evidence that such notice has been given. Any person swearing falsely in any such affidavit shall be deemed guilty of perjury, and punished accordingly. In case any person shall be compelled, under this section, to publish a notice in a newspaper, then, before any person, who may have a right to redeem such land or lot from such tax sale, shall be permitted to redeem, he or she shall pay the officer or person who by law is authorized to receive such redemption money, the printer's fee for publishing such notice, and the expense of swearing or affirming to the affidavit, and filing the same.

Mr. Scates moved to amend the additional section, by prefixing thereto the words "the legislature may provide that,"

The question was taken, and the amendment rejected.

The question was taken upon the adoption of the section, as an amendment to the report, and decided in the affirmative.

Mr. Farwell offered the following as an additional section:

"SEC. 5. The state revenue shall be collected in gold and silver coin or auditor's warrants, and the county revenue shall be collected in gold and silver coin or county orders.

Mr. Thomas moved to amend the section proposed by Mr. Farwell, by striking out the words "or auditor's warrants."

The question was put, but no quorum voting, the committee rose, and reported that fact to the convention.

On motion,

The convention adjourned until Monday.



MONDAY, AUGUST 2, 1847.

Convention assembled pursuant to adjournment.

The journal of Friday was read.

Mr. Jenkins presented the petition of Charles T. Walker, and fifty-nine others, citizens and qualified voters of the state of Illinois, praying that 160 acres of land, or a town lot of one acre, with the improvements, be exempted from forced sale and mortgage, &c., and also praying that a more liberal provision be made to secure more personal property for families.

On motion of Mr. Jenkins,

The reading was dispensed with, and the petition referred to the committee on Miscellaneous Subjects and Questions.

Mr. Thompson presented the petition of Phineas Crouch, and one hundred and twenty one others, citizens of the state of Illinois praying for "a limitation of the quantity of land that any individual may hereafter acquire in this state to 160 acres; that the judges be elected by the people; the exemption of the homestead of each family, not to exceed 160 acres, from alienation for any future debt or liability, or in any manner except by the joint consent of husband and wife, where such relation may exist; that all constitutional means may be used to prevent all further traffic in the public lands of this state, and of the United States, and to cause them to be laid out in farms and town lots for the free and exclusive use of actual settlers, with respect to the lands now under the control of the general government; that two dollars per day be allowed legislators, and that all other officers be paid in proportion.

On motion of Mr. Thompson,

The petition was referred to the committee on Miscellaneous Subjects and Questions.

Mr. Thompson presented the petition of J. J. Hitchcock, and thirty-two others, praying that the homestead may be made inalienable; to make the judges elective; to limit the quantity of land to be owned by one person to 640 acres; to prevent the sale of land to speculators; and to place all salaries on a parallel with active labor.

On motion of Mr. Thompson,

The petition was referred to the committee on Miscellaneous Subjects and Questions.

Mr. Crain, from the committee on Miscellaneous Subjects and Questions, to which was referred the petition of Wm. Morgan, and others, praying for a reduction of the number of the members of the legislature, &c., reported the same back, and ask to be discharged from the further consideration of the subject.

The question was taken on discharging the committee, and decided in the affirmative.

Mr. Thomas moved to suspend the rule to enable him to offer a resolution.

On motion of Mr. Hogue,

A call of the convention was ordered.

The call was proceeded in, and a quorum being present,

On motion, further proceedings under the call were dispensed with.



On motion of Mr. Servant,

Leave of absence was granted to Mr. Jones for fourteen days, in consequence of severe sickness in his family.

On motion of Mr. Henderson,

Leave of absence was granted to Mr. Norton for fourteen days, in consequence of sickness.

On motion of Mr. Thompson,

Leave of absence was granted to Mr. Knowlton for three days.

On motion of Mr. Holmes,

Leave of absence was granted to Mr. Green of Tazewell for seven days, in consequence of sickness.

On motion of Mr. Hogue,

Leave of absence was granted to Mr. Hunsaker for fourteen days, in consequence of sickness in his family.

Mr. Thomas withdrew the motion to suspend the rules.

On motion of Mr. Eccles,

The rule was suspended to enable him to introduce the following resolution:

*Resolved*, That whenever a call of the convention is ordered, the secretary shall note on the journal the names of the absentees.

The question was taken, by yeas and nays, on the adoption of the resolution,

And decided in the affirmative,	{ Yeas,	:	:	:	:	109
	{ Nays,	:	:	:	:	7

Those voting in the affirmative, are,

Mr. Adams  
Allen  
Anderson  
Armstrong  
Atherton  
Blair  
Blakely  
Brockman  
Bond  
Bosbyshell  
Brown  
Bunsen  
Butler  
Crain  
Canady  
Campbell of McDonough  
Carter  
F. S. Casey  
Z. Casey  
Choate  
Cross of Winnebago  
Cloud  
Church  
Churchill  
Dale  
Davis of Montgomery  
Davis of McLean  
Davis of Massac

Mr. Dawson  
Deitz  
Dement  
Dummer  
Dunn  
Dunsmore  
Edwards of Madison  
Edwards of Sangamon  
Eccles  
Edmonson  
Evey  
Graham  
Geddes  
Green of Clay  
Green of Jo Daviess  
Gregg  
Grimshaw  
Harlan  
Harper  
Hatch  
Hay  
Henderson  
Hill  
Hogue  
Holmes  
Hurlbut  
James  
Jenkins

Mr. Judd  
Knapp of Jersey  
Kreider  
Kinney of Bureau  
Kinney of St. Clair  
Kitchell  
Knox  
Lander  
Lasater  
Linley  
Linley  
McCallen  
McClure  
Manly  
Markley  
Marshall of Coles  
Mason  
Miller  
Minshall  
Moffett  
Morris  
Nichols  
Oliver  
Pace  
Palmer of Marshall  
Pinckney  
Rives  
Robinson  
Rountree



Mr. Scates  
Stadden  
Sharpe  
Swan  
Spencer  
Sherman  
Servant  
Sibley  
Sim

Mr. Simpson  
Smith of Gallatin  
Smith of Macon  
Thomas  
Turnbull  
Turner  
Tutt  
Vance

Mr. Wead  
Webber  
Williams  
Witt  
Whiteside  
Whitney  
Woodson  
Worcester.

Those voting in the negative, are,

Mr. Caldwell  
Colby  
Heacock

Mr. Knapp of Scott  
Northcott

Mr. Roman  
Thompson

Mr. Whiteside moved to suspend the rule to enable him to introduce a resolution.

The question was taken, and decided in the negative.

According to order, the convention resolved itself into a committee of the whole, again to consider the report of the committee on Revenue—Mr. Edwards of Sangamon in the chair.

The question pending when the committee last rose, was on the amendment offered by Mr. Thomas, to the additional section proposed by Mr. Farwell, which proposes to strike out the words "or auditor's warrants."

The question was taken, and the amendment rejected.

Mr. McCallen moved to amend the proposed section by inserting the words "or other state indebtedness," after the word "warrants."

The question was taken, and the amendment rejected.

The question was taken on agreeing to the proposed section, and decided in the negative.

Mr. Sherman offered the following as an amendment to the third section:

"Unless the same shall be situated in a village or city, where no more shall be exempted than the quantity occupied by such building."

The question was taken, and the amendment agreed to.

Mr. Hogue moved to substitute the following in lieu of the section as amended:

"The property of the state and counties, both real and personal, and such other property as the legislature may deem necessary for school, religious, and charitable purposes, may be exempted from taxation."

The question was taken, and the substitute adopted.

On motion of Mr. Thomas,

The following were severally agreed to as additional sections:

"SEC. 5. The corporate authorities of counties, townships, school districts, cities, towns, and villages may be vested with power to assess and collect taxes for corporate purposes, such taxes to be uniform in respect to persons and property, within the jurisdiction of the body imposing the same.

"SEC. 6. The specification of the objects and subjects of taxation shall not deprive the general assembly of the power to require other objects or subjects to be taxed, in such manner as may be consistent with the principles of taxation fixed in this constitution."

Mr. Churchill moved the following as an additional section:



"SEC. —. The general assembly may, at any regular session, repeal or amend the foregoing section by a vote of two-thirds of the members elect."

The question was taken, and the amendment rejected.

Mr. Dawson offered the following as an additional section:

"SEC. —. The legislature shall cause the several county clerks in this state, at the proper time, to make out, in tabular form according to the proper sub-divisions thereof, a list of land on which taxes remain due and unpaid for the year last past, and place the same in the hands of the assessor for the next year, whose duty shall be, when he assesses lands, to compare the assessment with the delinquent list, and should they find any lands on the delinquent list which belongs to any citizen of their respective counties, they shall notify the citizen thereof, and all other lands on his list shall be published in some newspaper nearest where the land lies, and no lands shall be sold for taxes until at least three months after the assessment closes according to law."

The question was taken, and the proposed section rejected.

Mr. Turner moved to add the following proviso to the 4th section, adopted on Saturday last:

"*Provided*, that every tract or parcel of land lying in this state and subject to taxation, shall be liable for all taxes accruing on the same, and all such lands may be proceeded against and sold for taxes without regard to ownership, or otherwise, in such manner as the legislature shall prescribe by law, and provided in all cases, a judgment shall be obtained against such lands, before the same shall be sold."

The question was taken, and the amendment rejected.

On motion of Mr. Z. Casey,

The committee rose, reported back the report with sundry amendments, and asked the concurrence of the convention therein.

On motion of Mr. Hogue,

The report was laid on the table, and 250 copies ordered to be printed for the use of the convention.

Mr. Caldwell moved that the convention adjourn until three o'clock,  
P. M.

The question was taken, and decided in the negative.

Mr. Adams moved to take up the report of the committee on the Executive Department, as amended.

The question was taken, and no quorum voted.

Mr. Lockwood moved to suspend the rule to enable him to offer the following resolution:

"Hereafter a majority of the members of the convention shall constitute a quorum to do business."

The question was taken, and decided in the negative.

Mr. Adams withdrew the motion to take up the report.

On motion of Mr. Wead.

A call of the convention was ordered.

On motion,

The convention adjourned.



TUESDAY, August 3, 1847.

Convention assembled pursuant to adjournment.

The journal of yesterday was read.

Mr. Crain, from the committee on Miscellaneous Subjects and Questions, to which was referred the petition of William Morgan and others, on various subjects, reported the same back, and asked to be discharged from the further consideration thereof.

The question was taken, and the committee discharged.

On motion of Mr. Thomas,

The report of the committee on Incorporations was taken from the table, and referred to the committee of the whole convention.

According to order, the convention resolved itself into a committee of the whole, to consider the report of the committee on Incorporations—Mr. Wead in the chair.

Mr. Davis of Montgomery moved to strike out the first section and insert in lieu thereof the following:

“No corporate body shall be hereafter created, renewed or extended within this state, with banking or discounting privileges.”

Mr. Deitz called for a division, so as to vote first on striking out.

The question was taken on striking out, and decided in the negative.

Mr. Whiteside moved to amend the first section by striking out the word “and,” in the second line.

The question was taken, and decided in the negative.

Mr. Caldwell moved to amend the first section by adding thereto the words “all such acts, whether general or special, shall be subject to alteration, amendment or repeal.”

The question was taken, and the amendment rejected.

Mr. Scates moved to amend the same section by adding thereto the following proviso:

“The members of all corporations or associations, other than municipal, religious, scientific or charitable, shall be individually liable for the debts, liabilities and acts of such corporations or associations, and for the consequences resulting from such acts.”

The question was taken, and the amendment agreed to.

Mr. Thomas moved to strike out the second section.

Mr. Scates called for a division, so as to vote first on striking out the words “individual liabilities of the corporators, or,” in the second line.

The question was taken, and decided in the negative.

Mr. Brockman moved to amend the second section by striking out the words “not possessing banking powers or privileges.”

The question was taken, and the amendment rejected.

Mr. Churchill moved to amend the second section, by adding thereto the words “and such liabilities shall be levied on their individual property in proportion to their several interests in said corporation.”

The question was taken, and the amendment rejected.

The question recurred on striking out the second section; was taken, and decided in the negative.



Mr. Edwards of Sangamon offered the following as an additional section:

"SEC. — All the property belonging to the inhabitants of any municipal corporation shall be liable to the payment of debts contracted under the authority of law."

The question was taken, and the proposed section agreed to.

Mr. McCallen moved to amend the third section by adding thereto the following:

"Unless the people sanction the power to create a state bank, at some general election to be provided by law."

The question was taken, and decided in the negative.

Mr. Kenner moved to amend the third section by striking out the three last words, and by inserting in lieu thereof the words, "to be hereafter created either by general or special laws."

The question was taken, and the amendment rejected.

Mr. Harvey moved to amend the third section, by adding at the end the words "to be hereafter created."

The question was taken, and the amendment agreed to.

Mr. Williams moved to strike out the third section and to insert in lieu thereof the words "no corporate body shall be hereafter created, renewed or extended within this state, with banking or discounting privileges."

Mr. Farwell moved to suspend the fifteen minute rule.

The question was taken, and decided in the negative.

Mr. Harvey called for a division, so as to vote first on striking out.

The question was taken, and decided in the negative.

Mr. Davis of Montgomery moved to amend the third section, by striking out the word "state."

The question was taken, and decided in the negative.

Mr. Armstrong moved to strike out the fourth section, and to insert in lieu thereof the words "no corporate body shall hereafter be created, renewed or extended, with banking or discounting privileges; nor shall the credit of the state be loaned directly or indirectly in any case."

Mr. Robbins moved to amend the same section by striking out all after the word "unless," and to insert in lieu thereof the following:

"The act granting the said powers or privileges shall be submitted to the people for their approbation or rejection, at the next general election after the passage of the said act. And if the said act shall be approved by a majority of the votes given at the said election, the same shall thereafter become a law."

Mr. Farwell moved to add the following to Mr. Robbins' amendment as a proviso:

"*Provided*, that all persons voting for the adoption of this section shall be responsible to the full extent of their property, both personal and real, for all the failures, miscarriages, or delinquencies, of any and all the banks, hereafter to be created or established by virtue of this section."

The question was taken, and the proviso rejected.

Mr. Crain moved to add to the amendment offered by Mr. Robbins the following:

"And should there ever at any time exist a bank charter of any kind in this state by authority of law, and if said institution shall at any time



neglect or refuse to redeem any and all of her issues when presented for redemption, in gold or silver, without delay, at par value, then and in that case said charter or privilege shall be forfeited forever, and all the property of the stockholders, both personal and real, shall be bound for the redemption of all their circulation."

On motion of Mr. Geddes,

The committee rose, reported progress, and asked leave to sit again; which was granted.

On motion,

The convention adjourned until 3 o'clock, P. M.

### THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

On motion of Mr. Crain,

The report of the committee on Miscellaneous Subjects and Questions was taken from the table, and referred to the committee of the whole convention.

According to order, the convention resolved itself into a committee of the whole, again to consider the report of the committee on Incorporations.

The question pending when the committee rose this morning, was on the amendment proposed by Mr. Crain to the amendment offered by Mr. Robbins to the fourth section.

The question was taken, and decided in the negative.

Mr. Scates called for a division, so as to vote first on striking out; when, Mr. Robbins withdrew his amendment.

Mr. Armstrong moved to amend the fourth section by striking out all after the word "incorporations."

The question was taken, and the amendment rejected.

Mr. Sherman moved to amend the same section further by striking out all after the word "granted," and to insert in lieu thereof the following:

"Except by general laws, which shall be in accordance with the following provisions:

"*First.* No law shall be passed sanctioning in any manner, directly or indirectly, the suspension of specie payments.

"*Second.* Ample security in interest-paying stocks of the United States or of the states shall be deposited with the treasurer of state, for the redemption, in specie, of all the bills and notes put in circulation, and no stock shall be received in deposit, as aforesaid, but such as shall be at par value at the time of said deposit, and of such states as shall have regularly and promptly paid their interest for the three years immediately preceding the deposit; and no bills or notes shall be put in circulation by any association but such as are registered and countersigned by the treasurer of state, to any banking association; and the notes or bills so registered and countersigned for any banking association, shall not exceed in amount the stocks or bonds deposited by such association; *Provided*, that the legislature may also authorize a deposit of the bonds of this state to be made in like manner, for a like redemption of such bills or notes, the amount and value of such bonds being determined by the rate of interest



which the state may, at the time of such deposit, pay on the same; and the amount of such deposit shall be proportionate to the rate per centum interest paid thereon.

*“Third.* The stockholders in every corporation and joint stock association for banking purposes, issuing bank notes or any kind of paper credits to circulate as money, shall be individually responsible to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind.

*“Fourth.* In case of insolvency of any bank, or banking association, the bill-holders shall be entitled to preference in payment over all other creditors of such bank or association.

*“Fifth.* Non-payment of specie shall be a forfeiture of all banking rights and privileges; and the legislature shall provide for the sale of said stocks deposited, and apply the proceeds thereof to the redemption of the notes or bills in circulation; and the legislature shall not have power to remit the forfeiture, or to relieve from any of its consequences; and provision shall be made by law for the trial, in a summary way, by judicial tribunals, of all contested questions of forfeiture of banking privileges.

*“SEC. 4.* No corporation or association for banking purposes shall have a capital less than fifty thousand dollars, nor greater than five hundred thousand dollars.

*“SEC. 5.* The embezzlement of the funds or property of any corporation or joint stock association for banking purposes, by any officer or agent thereof, shall be deemed a felony, and it shall be the duty of the general assembly to provide for the punishment of such felony in the penitentiary.

*“SEC. 6.* This article shall be separately submitted to a vote of the people, and if voted for by a majority of all voting on the question, shall become a part of the constitution.”

Mr. Farwell called for a division, so as to vote first on striking out:

The question was taken on striking out, and decided in the affirmative.

Mr. Butler moved to amend the amendment by substituting therefor the following:

*“And no corporate body shall be hereafter created, renewed or extended within this state with banking or discounting privileges; Provided, that this provision shall be submitted to the people in the same manner and at the same time that other articles of this constitution are submitted, as a separate and distinct article of the constitution, for their approval or rejection. And in case it shall be approved by a majority of all the votes cast for and against the same, it shall become and form a part of the constitution of this state, and not otherwise.”*

The question was taken, and the substitute rejected.

Mr. Robbins moved to amend the amendment by substituting therefor the following:

*“Either by general or special acts of incorporation, unless the act granting the said powers or privileges be submitted to the people at the next general election after the passage of the act, and if the said act shall be approved by a majority of all the votes given at the said election, the same shall thereafter become a law.”*

The question was taken, and decided in the negative.



The question recurred on the amendment offered by Mr. Sherman; was taken, and the amendment rejected.

Mr. McCallen moved to strike out the fourth section, as amended, and to insert in lieu thereof the words "there shall be a poll opened every four years, at the general election to be held in this state, for or against the absolute prohibition of banks, and if a majority voting shall decide against absolute prohibition, the legislature may authorize the incorporation of a bank with branches as hereinafter provided."

Mr. Dement moved that the committee rise and report.

The question was taken, and decided in the negative.

Mr. Caldwell moved that the committee rise, report progress, and ask leave to sit again.

The question was taken, and decided in the negative.

Mr. Hogue moved to amend the proposed substitute, by striking out the word "four," and by inserting in lieu thereof the word "ten."

The question was taken, and the amendment rejected.

Mr. Markley moved to amend the amendment by adding to the fourth section the following:

"And no branch or agency of any banking institution in the United States, or any state or territory, within or without the United States, shall be established or maintained within this state."

The question was taken, and decided in the negative.

The question recurred upon the substitute proposed by Mr. McCallen; was taken, and decided in the negative.

Mr. Harvey moved to amend the fourth section, as amended, by adding thereto the words "by the legislature, unless directed by the people of the state, as hereinafter directed."

The question was taken, and the amendment rejected.

On motion of Mr. Logan,

The fifth and sixth sections were stricken out.

On motion of Mr. Logan,

The committee rose, reported back the report to the convention, with sundry amendments, and asked the concurrence of the convention therein.

Mr. Hogue moved to lay the report, as amended, on the table, and order the printing of two hundred and fifty copies for the use of the convention.

The question was taken, and decided in the negative.

On motion,

The convention adjourned.

WEDNESDAY, August 4, 1847.

The convention assembled pursuant to adjournment.

The journal of yesterday was read.

The question pending when the convention adjourned on yesterday, was upon concurring with the committee of the whole, in the amendments made to the report of the committee on Incorporations.



Mr. Logan moved to amend the report of the committee of the whole by adding after the word "granted," in the fourth section, the following:

"Except by general laws, which shall be in accordance with the following provisions:

"*First.* No law shall be passed sanctioning in any manner, directly or indirectly, the suspension of specie payments.

"*Sec<sup>nd</sup>.* Ample security in interest-paying stocks of the United States, or of the states, shall be deposited with the treasurer of the state, for the redemption, in specie, of all the bills and notes put in circulation, and no stock shall be received in deposit, as aforesaid, but such as shall be at par value at the time of said deposit, and of such states as shall have regularly and promptly paid their interest for the three years immediately preceding the deposit; and no bills or notes shall be put in circulation by any association but such as are registered and countersigned by the treasurer of state, to any banking association; and the notes or bills so registered and countersigned for any banking association, shall not exceed in amount the stocks or bonds deposited by such association; *Provided*, that the legislature may also authorize a deposit of the bonds of this state to be made in like manner, for a like redemption of such bills or notes; the amount and value of such bonds being determined by the rate of interest which the state may, for three years next before the time of such deposit, pay on the same; and the amount of such deposit shall be proportionate to the rate *per centum* interest paid thereon.

"*Third.* The stockholders in every corporation and joint stock association for banking purposes, issuing banks notes or any kind of paper credits to circulate as money, shall be individually responsible to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind.

"*Fourth.* In case of insolvency of any bank, or banking association, the bill-holders shall be entitled to preference in payment over all other creditors of such bank or association.

"*Fifth.* Non-payment of specie shall be a forfeiture of all banking rights and privileges; and the legislature shall provide for the sale of said stocks deposited, and apply the proceeds thereof to the redemption of the notes or bills in circulation; and the legislature shall not have power to remit the forfeiture, or to relieve from any of its consequences; and provision shall be made by law for the trial, in a summary way, by judicial tribunals, of all contested questions of forfeiture of banking privileges.

"*Sec. 4.* No corporation or association for banking purposes shall have a capital less than fifty thousand dollars, nor greater than five hundred thousand dollars.

"*Sec. 5.* The embezzlement of the funds or property of any corporation or joint stock association for banking purposes, by any officer or agent thereof, shall be deemed a felony, and it shall be the duty of the general assembly to provide for the punishment of such felony in the penitentiary.

"*Sec. 6.* This article shall be separately submitted to a vote of the people, and if voted for by a majority of all voting on the question, shall become a part of the constitution."



Mr. Logan moved to postpone the further consideration of the whole subject for the present, and to make it the special order of the day for Monday next.

Mr. Hayes moved to lay the motion on the table.

The question was taken, by yeas and nays,

And decided in the affirmative,	{ Yeas,	:	:	:	:	70
	{ Nays,	:	:	:	:	62

Those voting in the affirmative, are,

Mr. Akin	Mr. Davis of Montgomery	Mr. Markley
Allen	Davis of Massac	Moffett
Archer	Dement	Nichols
Armstrong	Dunn	Oliver
Atherton	Edmonson	Pace
Blair	Evey	Robinson
Blakely	Farwell	Roman
Brockman	Gregg	Rountree
Bond	Hatch	Scates
Bosbyshell	Hayes	Stadden
Brown	Henderson	Sharpe
Bunsen	Hill	Sim
Butler	Hoes	Simpson
Crain	Hogue	Smith of Gallatin
Caldwell	James	Shumway
Campbell of McDonough	Kreider	Thompson
Carter	Kinney of St. Clair	Tutt
F. S. Casey	Kitchell	Wead
Z. Casey	Lasater	Webber
Choate	Linley	Williams
Colby	McCully	Witt
Cross of Woodford	McClure	Whiteside
Cloud	Manly	Worcester.
Dale		

Those voting in the negative, are,

Mr. Adams	Mr. Harper	Mr. Morris
Anderson	Harvey	Northcott
Canady	Hay	Palmer of Marshall
Cross of Winnebago	Heacock	Pinckney
Church	Holmes	Rives
Churchill	Hurlbut	Robbins
Davis of McLean	Judd	Swan
Dawson	Knapp of Jersey	Spencer
Deitz	Knapp of Scott	Sherman
Dummer	Kenner	Servant
Dunlap	Kinney of Bureau	Sibley
Dunsmore	Knox	Smith of Macon
Edwards of Madison	Lander	Thomas
Edwards of Sangamon	Lockwood	Thornton
Eccles	Logan	Turnbull
Graham	Loudon	Turner
Geddes	McCallen	Tuttle
Green of Clay	Marshall of Coles	Vance
Green of Jo Daviess.	Mason	West
Grimshaw	Mieure	Whitney
Harlan	Miller	Woodson.



Mr. Logan withdrew his amendment.

Mr. Williams moved to amend the fourth section, as amended by the committee of the whole, by adding thereto the following:

"The legislature shall prohibit, under adequate penalties, the circulation of all bank notes in this state, and making void all contracts founded upon or payments made in such notes."

On motion of Mr. Cross of Winnebago,

The previous question was ordered.

The question was taken, by yeas and nays, on the adoption of the amendment of Mr. Williams,

And decided in the affirmative,	{ Yeas,	. . . . .	90
	{ Nays,	. . . . .	41

Those voting in the affirmative, are,

Mr. Adams	Mr. Edwards of Sangamon	Mr. McClure
Akin	Eccles	Markley
Allen	Edmonson	Marshall of Coles
Archer	Farwell	Miller
Armstrong	Graham	Northcott
Brockman	Geddes	Oliver
Bond	Green of Clay	Pace
Bosbyshell	Gregg	Pinckney
Brown	Grimshaw	Rives
Bunsen	Hay	Robinson
Crain	Hayes	Roman
Canady	Henderson	Scates
Caldwell	Hoes	Stadden
Campbell of McDonough	Holmes	Swan
Carter	Hurlbut	Sherman
F. S. Casey	James	Sim
Z. Casey	Judd	Simpson
Colby	Knapp of Jersey	Smith of Gallatin
Cross of Winnebago	Knapp of Scott	Shumway
Cross of Woodford	Kreider	Thomas
Cloud	Kenner	Thompson
Churchill	Kinney of Bureau	Turnbull
Davis of McLean	Kinney of St. Clair	Turner
Davis of Massac	Knox	Tuttle
Deitz	Lander	Vance
Dement	Lasater	Wead
Dummer	Linley	Webber
Dunlap	Logan	West
Dunsmore	Loudon	Williams
Edwards of Madison	McCully	Whitney.

Those voting in the negative, are,

Mr. Anderson	Mr. Harvey	Mr. Robbins
Atherton	Hatch	Rountree
Blair	Heacock	Sharpe
Blakely	Hill	Spencer
Butler	Hogue	Servant
Choate	Kitchell	Sibley
Church	Lockwood	Smith of Macon
Davis of Montgomery	McCallen	Thornton
Dawson	Manly	Tutt
Dunn	Mason	Witt
Evey	Mieure	Whiteside
Green of Jo Daviess	Moffett	Woodson
Harlan	Nichols	Worcester.
Harper	Palmer of Marshall	



The question recurred on the question of concurring with the committee of the whole in the amendments made to the report.

Mr. Caldwell called for a division, so as to vote separately on concurring in said amendments.

The question was taken, by yeas and nays, on concurring in the amendments to the first section,

And decided in the negative,	{ Yeas, . . . . .	53
	{ Nays, . . . . .	78

Those voting in the affirmative, are,

Mr. Akin	Mr. Colby	Mr. Nichols
Allen	Cross of Woodford	Oliver
Archer	Cloud	Pace
Armstrong	Farwell	Robinson
Atherton	Hayes	Roman
Blair	Henderson	Rountree
Brockman	Hoes	Scates
Bond	James	Stadden
Bosbyshell	Kreider	Sim
Brown	Kinney of St. Clair	Simpson
Bunsen	Kitchell	Smith of Gallatin
Butler	Lasater	Shumway
Crain	Linley	Thompson
Caldwell	McCully	Tutt
Campbell of McDonough	McClure	Wead
Carter	Manly	West
F. S. Casey	Markley	Whiteside.
Zadok Casey	Morris	

Those voting in the negative, are,

Mr. Adams	Mr. Gregg	Mr. Miere
Anderson	Grimshaw	Miller
Blakely	Harlan	Moffett
Canady	Harper	Northcott
Choate	Harvey	Palmer of Marshall
Cross of Winnebago	Hatch	Pinckney
Church	Hay	Rives
Churchill	Heacock	Robbins
Davis of Montgomery	Hill	Swan
Davis of McLean	Hogue	Spencer
Dawson	Holmes	Sherman
Deitz	Hurlbut	Servant
Dement	Judd	Sibley
Dummer	Knapp of Jersey	Smith of Macon
Dunlap	Knapp of Scott	Thomas
Dunn	Kenner	Thornton
Dunsmore	Kinney of Bureau	Turnbull
Edwards of Madison	Knox	Turner
Edwards of Sangamon	Lander	Tuttle
Eccles	Lemon	Vance
Edmonson	Lockwood	Webber
Evey	Logan	Williams
Graham	Loudon	Witt
Geddes	McCallen	Whitney
Green of Clay	Marshall of Coles	Woodson
Green of Jo Daviess	Mason	Worcester.



The question was taken on concurring in the amendment made to the third section, and decided in the affirmative.

The question was taken, by yeas and nays, on concurring with the committee of the whole on agreeing to the following additional section:

"SEC. —. All the property belonging to the inhabitants of any municipal corporation shall be liable to the payment of debts contracted under the authority of law."

And decided in the negative.	{	:	:	:	Yeas,	47
		:	:	:	Nays,	83

Those voting in the affirmative, are,

Mr. Akin	Mr. Davis of Massac	Mr. McCallen
Allen	Dement	McCully
Archer	Edwards of Sangamon	Markley
Blakely	Farwell	Oliver
Brockman	Green of Clay	Pace
Bond	Harper	Robbins
Bosbyshell	Hatch	Robinson
Bunsen	Hill	Roman
Crain	Hogue	Rountree
Caldwell	James	Scates
Carter	Kreider	Sim
F. S. Casey	Kinney of Bureau	Smith of Gallatin
Z. Casey	Kinney of St. Clair	Thompson
Colby	Lasater	Tutt
Cloud	Linley	Wead.
Churchill	Loudon	

Those voting in the negative, are,

Mr. Adams	Mr. Grimshaw	Mr. Nichols
Anderson	Harlan	Northcott
Armstrong	Harvey	Palmer of Marshall
Atherton	Hay	Pinckney
Blair	Hayes	Rives
Brown	Heacock	Sharpe
Butler	Henderson	Stadden
Canady	Hoes	Swan
Campbell of McDonough	Holmes	Sherman
Choate	Hurlbut	Servant
Cross of Winnebago	Judd	Sibley
Cross of Woodford	Knapp of Jersey	Simpson
Church	Knapp of Scott	Smith of Macon
Davis of Montgomery	Kenner	Shumway
Davis of McLean	Kitchell	Thomas
Dawson	Knox	Thornton
Deitz	Lander	Turnbull
Dummer	Lemon	Turner
Dunlap	Lockwood	Tuttle
Dunn	Logan	Vance
Dunsmore	McClure	Webber
Edwards of Madison	Manly	West
Eccles	Marshall of Coles	Williams
Edmonson	Mason	Witt
Evey	Mieure	Whiteside
Graham	Miller	Whitney
Geddes	Moffett	Woodson
Green of Jo Daviess	Morris	Worcester.



The question was taken, by yeas and nays, on concurring with the committee of the whole in the amendment made to the fourth section,

And decided in the negative, }	Yeas,	:	:	:	:	47
	Nays,	:	:	:	:	86

Those voting in the affirmative, are,

Mr. Akin	Mr. Davis of Massac	Mr. McCully
Allen	Dement	Markley
Archer	Dunsmore	Nichols
Armstrong	Farwell	Oliver
Brockman	Geddes	Pace
Bond	Green of Clay	Robinson
Bosbyshell	Gregg	Roman
Brown	Hayes	Scates
Bunsen	Henderson	Stadden
Crain	Hoes	Sim
Caldwell	James	Simpson
Campbell of McDonough	Kreider	Smith of Gallatin
Carter	Kinney of St. Clair	Thompson
F. S. Casey	Lasater	Wead
Z. Casey	Linley	Williams.
Cross of Woodford	Loudon	

Those voting in the negative, are,

Mr. Adams	Mr. Harper	Mr. Northcott
Anderson	Harvey,	Palmer of Marshall
Atherton	Hatch	Pinckney
Blair	Hay	Rives
Blakely	Heacock	Robbins
Butler	Hill	Rountree
Cahady	Hogue	Sharpe
Choate	Holmes	Swan
Colby	Hurlbut	Spencer
Cross of Winnebago	Judd	Sherman
Cloud	Knapp of Jersey	Servant
Church	Knapp of Scott	Sibley
Churchill	Kenner	Smith of Macon
Davis of Montgomery	Kinney of Bureau	Shumway
Davis of McLean	Kitchell	Thomas
Dawson	Knox	Thornton
Deitz	Lander	Turnbull
Dummer	Lemon	Turner
Dunlap	Lockwood	Tutt
Dunn	Logan	Tuttle
Edwards of Madison	McCallen	Vance
Edwards of Sangamon	McClure	Webber
Eccles	Manly	West
Edmonson	Marshall of Coles	Witt
Evey	Mason	Whiteside
Graham	Mieure	Whitney
Green of Jo Daviess	Miller	Woodson
Grimshaw	Moffett	Worcester.
Harlan	Morris	

On motion,

The convention adjourned until 3 o'clock, P. M.



THREE O'CLOCK, P. M.

The convention assembled pursuant to adjournment.

On motion of Mr. Woodson,

A call of the convention was ordered.

When it appeared that the following members were absent, viz:

Messrs. Akin, Anderson, Ballingall, Campbell of Jo Daviess, Carter, Constable, Dale, Dunsmore, Frick, Green of Tazewell, Gregg, Grimshaw, Harding, Hawley, Hoes, Hunsaker, Huston, Jackson, Jenkins, Jones, Judd, Knowlton, Laughlin, Linley, Lockwood, McHatton, Marshall of Mason, Mason, Matheny, Mieure, Minshall, Moore, Norton, Palmer of Macoupin, Peters, Powers, Roman, Rountree, Sibley, Singleton, Shumway, Trower, and Vernor.

On motion of Mr. Shumway,

Further proceedings under the call were dispensed with.

The question pending when the convention adjourned this forenoon, was on concurring with the committee of the whole in striking out the 5th and 6th sections of the report of the committee on Incorporations; which was taken, by yeas and nays,

And decided in the negative,	{ Yeas,	.	:	:	56
	{ Nays,	.	:	:	69

Those voting in the affirmative, are,

Mr. Akin	Mr. Dunlap	Mr. Manly
Allen	Dunn	Markley
Archer	Dunsmore	Nichols
Atherton	Edmonson	Oliver
Blair	Evey	Pace
Blakely	Farwell	Pratt
Brockman	Green of Clay	Robinson
Bond	Harper	Roman
Bosbyshell	Hayes	Scates
Bunsen	Heacock	Stadden
Butler	Henderson	Sim
Crain	Kreider	Simpson
Caldwell	Kinney of St. Clair	Smith of Gallatin
F. S. Casey	Kitchell	Thompson
Z. Casey	Lasater	Wead
Colby	London	Webber
Davis of Montgomery	McCallen	Williams
Davis of Massac	McCully	Worcester.
Dement	McClure	

Those voting in the negative, are,

Mr. Adams	Mr. Cross of Woodford	Mr. Edwards of Madison
Anderson	Cloud	Edwards of Sangamon
Armstrong	Church	Eccles
Canady	Churchill	Graham
Campbell of McDonough	Davis of McLean	Geddes
Carter	Dawson	Green of Jo Daviess
Choate	Deitz	Grimshaw
Cross of Winnebago	Dummer	Harlan



Mr. Harvey	Mr. Lockwood	Mr. Sherman
Hatch	Logan	Servant
Hay	Marshall of Coles	Sibley
Hill	Mieure	Smith of Macon
Hogue	Miller	Thomas
Holmes	Moffett	Thornton
Hurlbut	Morris	Turnbull
James	Northcott	Turner
Judd	Palmer of Marshall	Tutt
Knapp of Jersey	Pinckney	Tuttle
Knapp of Scott	Rives	Vance
Kenner	Robbins	Witt
Kinney of Bureau	Swan	Whiteside
Knox	Shields	Whitney
Lander	Spencer	Woodson.
Lemon		

Mr. Dunlap moved to amend the report of the committee on Incorporations by striking out all after the third section, and by inserting in lieu thereof the following:

"No act of the legislature granting any special character of incorporation for banking purposes, nor any general act of incorporation for such purposes, shall be in force or of any effect unless the same shall, at the next general election after its passage, be submitted to the people, nor unless a majority of those voting for and against it be cast in favor of the act.

Mr. Scates called for a division, so as to vote first on striking out.

The question was taken, and decided in the affirmative.

Mr. Armstrong moved to amend the amendment, by adding thereto the following:

"Provided, that should there be banks in this state, they shall be required to redeem their notes at par in the cities of Alton and Chicago and a failure to do so shall work a forfeiture of their charter."

On motion of Mr. McCallen,

The proviso was laid on the table,	{ Yeas,	:	:	:	91
	{ Nays,	:	:	:	40

Those voting in the affirmative, are,

Mr. Adams	Mr. Edwards of Sangamon	Mr. Knapp of Jersey
Anderson	Eccles	Knapp of Scott
Blair	Edmonson	Kenner
Bosbyshell	Evey	Kinney of Bureau
Canady	Graham	Kitchell
Caldwell	Geddes	Knox
Cross of Winnebago	Green of Clay	Lander
Cloud	Green of Jo Daviess	Lemon
Church	Grimshaw	Lockwood
Davis of Montgomery	Harlan	Logan
Davis of McLean	Harper	Loudon
Davis of Massac	Harvey	McCallen
Dawson	Hatch	McClure
Deitz	Hay	Manly
Dement	Heacock	Marshall of Coles
Dummer	Henderson	Mason
Dunlap	Hogue	Mieure
Dunn	Holmes	Miller
Dunsmore	Hurlbut	Moffett
Edwards of Madison	Judd	Morris



Mr. Nichols  
Northcott  
Palmer of Marshall  
Pratt  
Pinckney  
Rives  
Robbins  
Robinson  
Swan  
Spencer

Mr. Sherman  
Servant  
Sibley  
Sim  
Simpson  
Smith of Gallatin  
Smith of Macon  
Thomas  
Thornton  
Turnbull

Mr. Turner  
Tutt  
Tuttle  
Vance  
Webber  
West  
Williams  
Whitney  
Woodson  
Worcester.

Those who voted in the negative, are,

Mr. Akin  
Allen  
Archer  
Armstrong  
Atherton  
Blakely  
Brockman  
Bond  
Bunsen  
Butler  
Crain  
Campbell of McDonough  
Carter  
F. S. Casey

Mr. Z. Casey  
Choate  
Colby  
Cross of Woodford  
Churchill  
Farwell  
Hayes  
Hill  
James  
Kreider  
Kinney of St. Clair  
Lasater  
McCully

Mr. Markley  
Oliver  
Pace  
Roman  
Rountree  
Scates  
Stadden  
Shields  
Shumway  
Thompson  
Wead  
Witt  
Whiteside.

Mr. Hayes moved to amend the amendment by striking out the words "for and against it be cast," and by inserting in lieu thereof the words "at such election vote."

Mr. Hurlbut called for a division, so as to vote first on striking out. The question was then taken, by yeas and nays,

And decided in the affirmative,	{ Yeas,	:	:	:	:	72
	{ Nays,	:	:	:	:	60

Those voting in the affirmative, are,

Mr. Akin  
Allen  
Archer  
Armstrong  
Atherton  
Blair  
Blakely  
Brockman  
Bond  
Bosbyshell  
Brown  
Bunsen  
Butler  
Crain  
Caldwell  
Campbell of McDonough  
Carter  
F. S. Casey  
Z. Casey  
Choate  
Colby  
Cross of Woodford  
Cloud  
Churchill

Mr. Davis of Montgomery  
Davis of Massac  
Dement  
Dunn  
Edmonson  
Evey  
Farwell  
Green of Jo Daviess  
Gregg  
Harvey  
Hatch  
Hayes  
Heacock  
Henderson  
Hill  
Hoes  
Hogue  
James  
Kreider  
Kinney of St. Clair  
Lasater  
Loudon  
McCully  
McClure

Mr. Manly  
Markley  
Moffett  
Morris  
Nichols  
Oliver  
Pace  
Robinson  
Roman  
Rountree  
Scates  
Sharpe  
Stadden  
Shields  
Sim  
Simpson  
Smith of Gallatin  
Shumway  
Tutt  
Vance  
Wead  
Webber  
Whiteside  
Whitney.



Those voting in the negative, are,

Mr. Adams	Mr. Hay	Mr. Palmer of Marshall
Anderson	Holmes	Pinckney
Canady	Hurlbut	Rives
Cross of Winnebago	Judd	Robbins
Church	Knapp of Jersey	Swan
Davis of McLean	Knapp of Scott	Spencer
Dawson	Kenner	Sherman
Deitz	Kinney of Bureau	Servant
Dummer	Kitchell	Sibley
Dunlap	Knox	Smith of Macon
Dunsmore	Lander	Thomas
Edwards of Madison	Lemon	Thornton
Edwards of Sangamon	Lockwood	Turnbull
Eccles	Logan	Turner
Graham	McCallen	Tuttle
Geddes	Marshall of Coles	West
Green of Clay	Mason	Williams
Grimshaw	Mieure	Witt
Harlan	Miller	Woodson
Harper	Northcott	Worcester.

The question was taken, by yeas and nays, on inserting the words "a such election vote,"

And decided in the affirmative,	{ Yeas,	:	:	:	:	92
	{ Nays,	:	:	:	:	40

Those voting in the affirmative, are,

Mr. Akin	Mr. Evey	Mr. Morris
Allen	Farwell	Nichols
Archer	Graham	Oliver
Armstrong	Green of Clay	Pace
Atherton	Green of Jo Daviess	Palmer of Marshall
Blair	Gregg	Robbins
Blakely	Grimshaw	Robinson
Brockman	Harvey	Roman
Bond	Hatch	Rountree
Bosbyshell	Hayes	Scates
Brown	Heacock	Sharpe
Bunsen	Henderson	Stadden
Butler	Hill	Shields
Crain	Hoes	Sherman
Caldwell	Hogue	Sim
Campbell of McDonough	Knapp of Scott	Simpson
Carter	Kreider	Smith of Gallatin
F. S. Casey	Kinney of St. Clair	Shumway
Z. Casey	Kitchell	Thornton
Choate	Knox	Tutt
Colby	Lasater	Vance
Cross of Woodford	Lockwood	Wead
Cloud	Logan	Webber
Churchill	Loudon	West
Davis of Montgomery	McCallen	Williams
Davis of Massac	McCully	Witt
Dement	McClure	Whiteside
Dunlap	Manly	Whitney
Dunn	Markley	Woodson
Eccles	Mason	Worcester.
Edmonson	Moffett	



Those voting in the negative, are,

Mr. Adams	Mr. Harper	Mr. Miller
Anderson	Hay	Northcott
Canady	Holmes	Pinckney
Cross of Winnebago	Hurlbut	Rives]
Church	James	Swan
Davis of McLean	Judd	Spencer
Dawson	Knapp of Jersey	Servant
Deitz	Kenner	Sibley
Dummer	Kinney of Bureau	Smith of Macon
Dunsmore	Lander	Thomas
Edwards of Madison	Lemon	Turnbull
Edwards of Sangamon	Marshall of Coles	Turner
Geddes	Mieure	Tuttle.
Harlan		

Mr. Wead moved that the convention adjourn.

The question was taken, and decided in the negative.

The question was taken, by yeas and nays, on inserting the amendment, as amended,

And decided in the negative,	{ Yeas,	:	:	:	66
	{ Nays,	:	:	:	66

Those voting in the affirmative, are,

Mr. Archer	Mr. Green of Clay	Mr. Moffett
Armstrong	Green of Jo Daviess	Morris
Atherton	Gregg	Nichols
Blair	Grimshaw	Palmer of Marshall
Blakely	Harlan	Robbins
Brown	Harper	Robinson
Canady	Harvey	Rountree
Campbell of McDonough	Hatch	Shields
Choate	Hay	Spencer
Colby	Hayes	Simpson
Cloud	Heacock	Smith of Macon
Churchill	Henderson	Shumway
Davis of Montgomery	Hill	Thornton
Dawson	Hogue	Tutt
Dement	Knapp of Scott	Vance
Dunlap	Kitchell	Webber
Dunn	Knox	Williams
Edwards of Sangamon	Loudon	Witt
Eccles	McCallen	Whiteside
Edmonson	McClure	Whitney
Evey	Manly	Woodson
Graham	Mason	Worcester.

Those voting in the negative, are,

Mr. Adams	Mr. Butler	Mr. Church
Akin	Crain	Davis of McLean
Allen	Caldwell	Davis of Massac
Anderson	Carter	Deitz
Brockman	F. S. Casey	Dummer
Bond	Z. Casey	Dunsmore
Bosbyshell	Cross of Winnebago	Edwards of Madison
Bunsen	Cross of Woodford	Farwell



Mr. Geddes	Mr. Lockwood	Mr. Sharpe
Hoes	Logan	Stadden
Holmes	McCully	Swan
Hurlbut	Markley	Sherman
James	Marshall of Coles	Servant
Judd	Mieure	Sibley
Knapp of Jersey	Miller	Sim
Kreider	Northcott	Smith of Gallatin
Kenner	Oliver	Thomas
Kinney of Bureau	Pace	Turnbull
Kinney of St. Clair	Pinckney	Turner
Lander	Rives	Tuttle
Lasater	Roman	Wead
Lemon	Scates	West.

Mr. Davis of Montgomery moved to reconsider the vote just taken; which motion lies over one day.

On motion of Mr. Edwards of Madison,

The rule was temporarily suspended, when he, from the select committee of twenty-seven, to which was referred the report of the committee of the whole convention on the report of the committee on the Judiciary Department, together with the reports of the minorities, and the substitute proposed by Mr. Rountree, made the following report:

#### ARTICLE —.

**SECTION 1.** The judicial power of this state shall be and is hereby vested in one supreme court, in circuit courts, in county courts, and in justices of the peace.

**SEC. 2.** The supreme court shall consist of three judges, any two of whom shall form a quorum; and the concurrence of two of said judges shall in all cases be necessary to a decision.

**SEC. 3.** The state shall be divided into three grand divisions, as nearly equal as may be, and the qualified electors of each division shall elect one of the said judges for the term of nine years; *Provided*, that after the first election of such judges the legislature may have the power to provide by law for their election by the whole state, or by divisions as it may deem most expedient.

**SEC. 4.** The office of one of said judges shall be vacated, after the first election held under this article, in three years, of one in six years, and of one in nine years, to be decided by lot, that one of said judges shall be elected once in every three years, the judge having the longest term to serve shall be the first chief justice, after which the judge having the oldest commission shall be chief justice.

**SEC. 5.** The supreme court may have original jurisdiction in cases relative to the revenue, in cases of *mandamus*, *habeas corpus*, and in such cases of impeachment as may be by law directed to be tried before it; and shall have appellate jurisdiction in all other cases.

**SEC. 6.** The supreme court shall hold at least one term annually in each of the aforesaid grand divisions, at such times and places as the general assembly shall by law direct; *Provided, however*, that the general assembly may, after the year eighteen hundred and fifty, direct by law that the said court shall be held at one place only.



SEC. 7. The state shall be divided into twelve judicial districts, in each of which one circuit judge shall be elected by the qualified electors thereof, who shall hold his office for the term of six years, and until his successor shall be commissioned and qualified; *Provided*, that the legislature may increase the number of circuits to meet the future exigencies of the state.

SEC. 8. There shall be two or more terms of the circuit court held annually in each county of this state, at such times as shall be provided by law, and said courts shall have jurisdiction in all cases at law and equity, and in all cases of appeals from all inferior courts.

SEC. 9. All vacancies in the supreme and circuit courts shall be filled by election as aforesaid; *Provided, however*, that if the unexpired term does not exceed one year, such vacancy may be filled by executive appointment.

SEC. 10. The judges of the supreme court shall receive a salary of twelve hundred dollars per annum, payable quarterly, and no more. The judges of the circuit courts shall receive a salary of one thousand dollars, payable quarterly, and no more. The judges of the supreme and circuit courts shall not hold any other office or public trust in this state, nor the United States, during the term for which they are elected, nor for one year thereafter. All votes for either of them for any elective office, (except that of judge of the supreme or circuit court) given by the general assembly or the people, shall be void.

SEC. 11. No person shall be eligible to the office of judge of any court of this state who is not a citizen of the United States, and who shall not have resided in this state two years next preceding his election, and who shall not at the time of his election reside in the division, circuit, or county in which he shall be elected. Nor shall any person be elected judge of the supreme court who shall be, at the time of his election, under the age of thirty-five years. And no person shall be eligible to the office of judge of the circuit court until he shall have attained the age of thirty years.

SEC. 12. Any judge of the supreme or circuit court may be removed from office by address of both houses of the general assembly, if two-thirds of all the members elected of each house concur therein.

SEC. 13. There shall be in each county a court to be called a county court.

SEC. 14. One county judge shall be elected by the qualified voters of each county, who shall hold his office for four years, and until his successor is elected and qualified.

SEC. 15. The jurisdiction of said court shall extend to all matters of probate, with such other jurisdiction as the legislature may confer in civil cases, and such criminal cases as may be prescribed by law, where the punishment is by fine only; not exceeding one hundred dollars.

SEC. 16. The county judge, with two or more justices of the peace, to be designated by law, shall hold terms for the transaction of county business, and shall perform such other duties as the general assembly shall prescribe; *Provided*, that the legislature may require that the two justices, to be chosen as may be provided by law, shall sit with the judge in all cases.

SEC. 17. There shall be elected biennially in each county, a clerk of



the county court, who shall be *ex officio* recorder, whose compensation shall be fees.

SEC. 18. The general assembly shall provide for the compensation of the county judge.

SEC. 19. There shall be elected in each county in this state by the qualified electors thereof, a competent number of justices of the peace, who shall hold their office for the term of four years, and until their successors shall be elected and qualified, and who shall perform such duties, receive such compensation, and exercise such jurisdiction (not exceeding one hundred dollars) as may be prescribed by law.

SEC. 20. There shall be elected by the qualified electors of this state one attorney general, who shall hold his office for the term of four years, and until his successor shall be commissioned and qualified. He shall perform such duties and receive such compensation as may be prescribed by law.

SEC. 21. There shall be elected in each of the judicial circuits of this state, by the qualified electors thereof, one prosecuting attorney, who shall hold his office for the term of four years, and until his successor shall be commissioned and qualified, who shall perform such duties and receive such compensation as may be prescribed by law.

SEC. 22. The qualified electors of each county in this state shall elect a clerk of the circuit court, who shall hold his office for the term of four years, and until his successor shall be commissioned and qualified, who shall perform such duties and receive such compensation as may be prescribed by law. The clerk of the circuit court in the county where the supreme court shall sit, shall be clerk of the supreme court.

On motion of Mr. Edwards of Madison,

The reading of the report was dispensed with, and the same laid on the table, and 250 copies ordered to be printed for the use of the convention.

Under a continued suspension,

Mr. Dement, from a minority of the same select committee of twenty-even, submitted the following report:

S

## ARTICLE —.

SECTION 1. The judicial power of the state shall be vested in one supreme court, in circuit courts, and such inferior courts as the legislature shall from time to time ordain and establish.

SEC. 2. The supreme court shall have appellate jurisdiction only, except in cases relating to the revenue, and power to issue writs of *habeas corpus*, *mandamus*, *prohibition*, *quo warranto*, informations in the nature of writs of *quo warranto*, and *certiorari*, and to hear and determine the same, and in such cases of impeachments as may be required to be tried before it.

SEC. 3. The supreme court shall consist of one chief justice and two associate justices, who shall be not less than thirty-five years of age, and shall receive a salary of twelve hundred dollars per annum, each, and no more, payable quarterly.

SEC. 4. The state shall be divided into three districts, as nearly equal in population as may be. The justices of the supreme court shall be elec-



ted by the qualified electors of the state, one of whom shall be elected from and reside in each district. The first election shall be held on the first Monday of —, after the adoption of this constitution, returns whereof shall be made to the secretary of state, who shall count the same in the presence of the governor and auditor, or either of them; the three persons having the highest number of votes shall be elected.

SEC. 5. The secretary of state shall, in the presence of the same person or persons, draw the names of the said justices by lot; the justice whose name is first drawn shall be chief justice, and hold his office for six years; the second drawn shall hold his office four years, the other, two years, and each until his successor is commissioned and qualified. On the first Monday of March, one thousand eight hundred and fifty-one, the second election shall be held for one justice of the supreme court, who shall hold his office six years, and until his successor is qualified. And forever thereafter an election shall be held every two years for one justice of the supreme court. After the term of the first chief justice expires, the justice oldest in commission shall be chief justice.

SEC. 6. One term of the supreme court shall be held annually in each judicial circuit, at such time and place as shall be provided.

SEC. 7. There shall be nine judicial circuits, which may be increased from time to time as the legislature may provide.

SEC. 8. The first election for justices of the supreme court, and on the first Monday of March, 1855, and on the first Monday of March, every six years thereafter, the qualified electors of each judicial circuit shall elect a judge for said circuit, who shall be not less than thirty years of age, and resident in said circuit; returns whereof shall be made and canvassed as provided in section four. They shall hold their office for six years, and until their successors are qualified; and each shall receive a salary of one thousand dollars per annum, and no more, payable quarterly.

SEC. 9. The governor shall fill, by appointment, all vacancies that may happen in the supreme or circuit courts within one year of the expiration of the term, otherwise he shall issue a writ for a special election, returns whereof shall be made and canvassed as provided in section four.

SEC. 10. No person holding an office of honor, trust, or profit, under the government of the United States or this state, shall be eligible to a judicial office in a court of record during the time for which he was appointed to said office. Nor shall any justice or judge of the supreme or circuit courts be eligible to any other than a judicial office during the time for which he may have been elected or appointed.

SEC. 11. For any reasonable cause, which shall not be sufficient ground for impeachment, both justices and judges shall be removed from office on the vote of two-thirds of the members elected to each branch of the general assembly; *Provided always*, that no member of either house of the general assembly shall be eligible to fill the vacancy occasioned by such removal; *Provided, also*, that no removal shall be made unless the party complained of shall have been served with a copy of the complaint against him, and shall have an opportunity of being heard in his defence.

SEC. 12. The governor shall commission the justices and judges for the term as provided in this article.



SEC. 13. Two or more terms of the circuit court shall be held annually in each county.

SEC. 14. At the first election of justices of the supreme court, and on the first Monday of March, 1853, and every four years thereafter, a clerk of the circuit court of each county shall be elected by the qualified voters thereof.

SEC. 15. The clerk of the circuit court of the county in which the supreme court shall sit, shall be clerk of the supreme court for that judicial district.

SEC. 16. A competent number of justices of the peace shall be elected by the people in each county, in such manner as the general assembly may direct; whose term of service, powers, and duties, shall be regulated and defined by law, with jurisdiction not exceeding one hundred dollars. They shall be commissioned by the governor.

SEC. 17. At the first election of justices of the supreme court, and on the first Monday of March, 1851, and every two years thereafter, an attorney general shall be elected by the electors of the state, who shall be commissioned by the governor, hold his office two years, and receive an annual salary of three hundred dollars, payable quarterly, and whose duties shall be prescribed by law.

SEC. 18. At the first election for judge of the circuit court, and on the first Monday of March, 1851, and every two years thereafter, there shall be elected by the voters of each circuit, a state's attorney, who shall be commissioned by the governor, hold his office for two years, and receive an annual salary of two hundred dollars, payable quarterly, and whose duties shall be prescribed law.

SEC. 19. All process, writs and other proceedings shall issue in the name of "the people of the state of Illinois." All prosecutions shall be carried on "in the name and by the authority of the people of the state of Illinois," and conclude, "against the peace and dignity of the same."

The reading thereof was dispensed with.

On motion of Mr. Dement,

The same was laid on the table, and two hundred and fifty copies ordered to be printed for the use of the convention.

Under a continued suspension,

Mr. Dawson, for Mr. Minshall, one of the minority of said select committee, submitted the following:

## ARTICLE —.

1. The supreme court shall consist of a chief justice and three associates, any two of who shall form a quorum, and this number of judges shall not be increased or diminished, and shall have appellate jurisdiction only, except in cases relating to the revenue, cases of mandamus, and in such cases of impeachment as may be required to be tried before it.

2. There shall be — judicial circuit courts, which may be increased from time to time as the legislature may provide, and in no case shall the legislature, after the creation of the circuit courts, be permitted to abolish the same, or require the judges thereof to perform the duties of supreme judge, nor shall the supreme judges be required to perform the



duties of circuit judges, but the two courts shall forever hereafter be kept separate and distinct departments in the judiciary of this state.

3. The qualified electors of each judicial circuit shall elect a judge for such circuit, who shall be not less than thirty-five years of age, resident in said circuit, shall hold their office for six years, and until their successors shall be elected and qualified, and there shall be holden in each county of the judicial circuits at least two terms of the circuit court annually, and as many more as may be required by law.

4. For the purpose of constituting the supreme court, the state shall be divided into four equal divisions as near as practicable, and the qualified electors of such divisions shall elect from each of said divisions one of the justices of the supreme court, who when elected shall be commissioned by the governor, and hold his office for the term of eight years, and until his successor shall be elected and qualified.

5. There shall be holden annually one term of the supreme court in each judicial circuit, at such time and place as may be provided by law, for which purpose, the justices of the supreme court may divide the state into two divisions, as nearly equal as may be, within which divisions any two of the supreme judges may hold said term of the supreme court in the judicial circuits.

6. There shall be holden by the four justices of the supreme court, or a majority of them, one term of the supreme court annually at the seat of government, for adjudicating and determining all matters of law and equity which may be brought before them, by reason of any division of opinion between the judges in matters of law, arising on the trial of causes in the supreme court in the judicial circuits, and all such matters of law and equity as may be required of them by the general assembly.

7. At the first election of the supreme judges under this constitution, the judges shall — their term of office by lot, in manner following: the secretary of state shall deposite in a box, to be provided for that purpose, four tickets, on one of which shall be written the words "two years," one other the words "four years," on one other the words "six years," and on the other the words "eight years." And the judges shall proceed in the presence of the secretary to draw separately the tickets so deposited. The judge who draws the ticket whereon is written the words "two years," shall hold his office for the term of two years. The judge who draws the ticket whereon is written the words "four years," shall hold his office for the term of four years. The judge who draws the ticket whereon is written the words "six years," shall hold his office for the term of six years. And the judge who draws the ticket whereon is written the words "eight years," shall hold his office for the term of eight years, and shall be the chief justice. Thereafter an election shall be holden every two years in such district in which a vacancy shall occur by the expiration of the respective terms of the judges on the first Monday in March, for one justice of the supreme court, who shall hold his office for the term of eight years, and until his successor shall be elected and qualified. After the term of the first chief justice expires, the judge oldest in commission shall be the chief justice.

8. No person holding an office of honor, trust, or profit under the government of the United States or this state, shall be eligible to a judi-



cial office in a court of record, during the time for which he may have been elected or appointed. Nor shall any judge of the supreme or circuit court be eligible to any other than a judicial office during the time for which he may have been elected or appointed.

9. The judges of the supreme court respectively shall be allowed the sum of twelve hundred dollars annually, payable quarterly, and the circuit judges shall be allowed each the sum of one thousand dollars annually, payable quarterly, for their salary; which salary shall not, in either case, be increased or diminished.

The reading was dispensed with.

On motion of Mr. Dawson,

The report was laid on the table, and 250 copies ordered to be printed for the use of the convention, with the majority and minority reports.

On motion of Mr. Dawson,

Leave of absence was granted to Mr. Minshall for ten days.

Mr. Logan moved to reconsider the votes taken on Mr. Hayes' amendment to the proposition offered this afternoon by Mr. Dunlap.

Which lies over one day.

Mr. Kenner moved to reconsider the vote taken on striking out all after the third section.

Which lies over one day.

On motion,

The convention adjourned.

THURSDAY, AUGUST 5, 1847.



The convention met pursuant to adjournment.

The journal of yesterday was read.

On motion of Mr. Brown,

Leave of absence was granted to Mr. Wead for ten days.

Mr. Z. Casey moved to amend the 17th rule by striking out all after the word "convention."

The question was taken, and decided in the affirmative.

The question was taken, by yeas and nays, on the motion of Mr. Davis of Montgomery, to reconsider the vote taken yesterday on the amendment offered by Mr. Dunlap,

And decided in the negative,	{	Yeas, .	.	.	.	.	61
	{	Nays, .	.	.	.	.	70

Those voting in the affirmative, are,

Mr Allen

Archer

Armstrong

Atherton

Blair

Blakely

Bosbyshell

Bunsen

Campbell of McDonough

Choate

Mr. Colby

Cross of Woodford

Cloud

Churchill

Davis of Montgomery

Dement

Dunlap

Dunn

Edwards of Madison

Eccles

Mr. Edmonson

Evey

Graham

Geddes

Green of Clay

Green of Jo Daviess

Gregg

Harlan

Harvey

Hatch



Mr. Hayes	Mr. Miller	Mr. Sharpe
Henderson	Moffett	Shields
Hill	Morris	Simpson
Hogue	Nichols	Shumway
Kinney of St. Clair	Northcott	Thornton
Kitchell	Pace	Tutt
Lemon	Pratt	Webber
Linley	Robbins	Witt
Loudon	Robinson	Woodson
McClure	Roman	Worcester.
Manly		

Those voting in the negative, are,

Mr. Adams	Mr. Heacock	Mr. Pinckney
Akin	Holmes	Rives
Anderson	Hurlbut	Rountree
Brockman	James	Scates
Butler	Judd	Stadden
Crain	Knapp of Jersey	Swan
Caldwell	Knapp of Scott	Spencer
Carter	Kreider	Sherman
F. S. Casey	Kenner	Servant
Z. Casey	Kinney of Bureau	Sibley
Cross of Winnebago	Knox	Sim
Church	Lander	Smith of Gallatin
Davis of McLean	Lasater	Smith of Macon
Davis of Massac	Lockwood	Thomas
Dawson	Logan	Thompson
Deitz	McCallen	Turnbull
Dummer	McCully	Turner
Dunsmore	Markley	Tuttle
Edwards of Sangamon	Marshall of Coles	Vance
Farwell	Mason	Vernor
Grimshaw	Mieure	West
Harper	Oliver	Williams
Hay	Palmer of Marshall	Whiteside
		Whitney.

Mr. Logan moved to amend the report of the committee on Incorporations, by adding thereto the following:

SEC. 4. No corporation for banking purposes shall be permitted to issue bank notes to an amount exceeding three-fourths the amount of the capital stock actually paid in.

SEC. 5. No such corporation shall be permitted to issue any bank notes, unless the same shall have been first countersigned and registered by the treasurer of this state.

SEC. 6. No such notes shall be issued until such corporation shall deposit with the treasurer the amount of such notes in stock of the United States, or of such of the states as shall for three years next preceding have paid the interest on their bonds; *Provided*, that the bonds of this state may be received as such deposit at such proportion of their nominal value as the interest paid by the state on such bonds, for the three years immediately preceding such deposit, may bear to six per cent.

SEC. 7. No bank shall be permitted to issue any paper until one-third of the capital stock of said bank shall be paid in, in specie.

SEC. 8. In case of insolvency of any bank the bill holders shall be entitled to priority in payment.

SEC. 9. Non-payment of specie shall in all cases be a forfeiture of the charter, and the legislature shall have no power to remit said forfeiture.



SEC. 10. No bank shall be established with a less capital than one hundred and fifty thousand dollars, nor with a greater capital than six hundred thousand dollars.

Mr. Gregg moved to amend the amendment by adding thereto the following:

"SEC. —. No act of the general assembly authorizing corporations or associations with banking powers, in pursuance of the foregoing provisions shall go into effect, or in any manner be in force, unless the same shall be submitted to the people at the general election next succeeding the passage of the same, and be approved by a majority of all the votes cast at such election.

Mr. Thomas moved to lay the amendment to the amendment on the table.

The question was taken, by yeas and nays,

And decided in the negative,	{ Yeas,	:	:	:	:	46
	{ Nays,	:	:	:	:	86

Those voting in the affirmative, are,

Mr. Anderson	Mr. Judd	Mr. Rives
Canady	Knapp of Jersey	Swan
Cross of Winnebago	Kenner	Spencer
Davis of McLean	Kinney of Bureau	Servant
Dawson	Knox	Sibley
Deitz	Lander	Smith of Macon
Dummer	Lemon	Thomas
Dunsmore	Lockwood	Turnbull
Edwards of Madison	Logan	Turner
Edwards of Sangamon	Marshall of Coles	Tuttle
Graham	Mason	West
Geddes	Mieure	Williams
Harper	Miller	Whitney
Hay	Northcott	Woodson
Holmes	Pinckney	Worcester.
Hurlbut		

Those voting in the negative, are,

Mr. Akin	Church	Hogue
Allen	Churchill	James
Archer	Davis of Montgomery	Knapp of Scott
Armstrong	Davis of Massac	Kreider
Atherton	Dement	Kinney of St. Clair
Blair	Dunlap	Kitchell
Blakely	Dunn	Lasater
Brockman	Eccles	Linley
Bosbyshell	Edmonson	Louden
Brown	Evey	McCallen
Bunsen	Farwell	McCully
Butler	Green of Clay	McClure
Crain	Green of Jo Daviess	Manly
Caldwell	Gregg	Markley
Campbell of McDonough	Grimshaw	Moffett
Carter	Harlan	Morris
F. S. Casey	Harvey	Nichols
Z. Casey	Hatch	Oliver
Choate	Hayes	Pace
Colby	Heacock	Palmer of Macoupin
Cross of Woodford	Henderson	Palmer of Marshall
Cloud	Hill	Pratt



Mr. Robbins  
Robinson  
Roman  
Rountree  
Scates  
Sharpe  
Stadden

Mr. Shields  
Sherman  
Sim  
Simpson  
Smith of Gallatin  
Shumway  
Thompson

Mr. Thornton  
Tutt  
Vance  
Webber  
Witt  
Whiteside.

Mr. Logan withdrew his proposed amendment.

Mr. Dement moved to amend the report, as amended, by adding to it the proposition just withdrawn by Mr. Logan, including the addition proposed by Mr. Gregg.

Mr. Woodson moved to amend the amendment by adding thereto the words "for or against said law."

On motion of Mr. Allen,

The rule was temporarily suspended, when he, from the committee on the Bill of Rights, submitted the following report:

1. All men are by nature free and independent, and have certain natural and inalienable rights; among which, are those of enjoying and defending life, liberty and reputation. acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

2. All political power is inherent in the people, and government is instituted for the protection, security and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it.

3. No person shall be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeably to the dictates of his own conscience; nor under any pretence whatever be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to pay tithes, taxes, or other rates, for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry contrary to what he believes to be right, or has deliberately and voluntarily engaged to perform.

4. There shall be no establishment of one religious sect in preference to another. No religious test shall be required as a qualification for any office or public trust, and no person shall be denied the enjoyment of any civil right, merely on account of his religious principles.

5. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; no law shall be passed to restrain or abridge the liberty of speech or the press; in all prosecutions or indictments for libel, the truth may be given in evidence to the jury, and the jury shall have the right to determine the law and the fact, under the instructions of the court, as in other cases.

6. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the papers and things to be seized.

7. The right of trial by jury shall remain inviolate.

8. The legislature shall not pass any *ex post facto* law, or law impairing the obligation of contracts, or depriving a party of any remedy for enforcing a contract which existed when the constitution was made.



9. That in all criminal prosecutions the accused hath a right to be heard by himself and counsel, to demand the nature and cause of accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his favor, and in prosecution by indictment or information, a speedy public trial by an impartial jury of the county or district, wherein the offence shall have been committed, which county or district shall have been previously ascertained by law, and that he shall not be compelled to give evidence against himself.

10. No person shall be held to answer for a criminal offence, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia, when in actual service in time of war or public danger.

11. No person shall, after acquittal, be again tried for the same offence. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, where the proof is evident or presumption great.

12. The privilege of the writ of *habeas corpus* shall not be suspended unless in cases of rebellion or invasion, the public safety may require it.

13. The military shall be in strict subordination to the civil power.

14. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in a manner prescribed by law.

15. Treason against the state shall consist in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

16. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unreasonable punishments shall not be inflicted.

17. Private property shall not be taken for public use without just compensation, the value and amount to be assessed and determined in such manner as shall be prescribed by law.

18. No person shall be imprisoned for debt in any action, or on any judgment founded upon contract, unless in cases of fraud, or upon his refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

19. No person shall be transported out of the state for any offence committed within the same.

20. The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

21. There shall be neither slavery nor involuntary servitude in this state, only as a punishment for crime, whereof the party shall have been duly convicted.

22. All elections in this state shall be free and equal to every person whom this constitution shall declare to be entitled to exercise the elective franchise.

23. No law shall be passed granting any divorce otherwise than by due judicial proceedings.



24. No freeman shall be imprisoned or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner be deprived of his life, liberty or property but by the judgment of his peers, or the law of the land.

25. No person bound to labor in any other state, shall be hired to labor in this state.

26. No bill of attainder shall be passed.

27. The legislature shall at its first session under the amended constitution, pass such laws as will effectually prohibit free persons of color from emigrating to, and settling in this state; and to effectually prevent the owners of slaves, or any other person, from the introduction of slaves into this state for the purpose of setting them free.

28. Any person who shall, after the adoption of this constitution, fight a duel, or send or accept a challenge for that purpose, or be aider or abetter in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this state, and shall be punished otherwise in such manner as is or may be prescribed law.

29. That a frequent recurrence to the fundamental principles of government is absolutely necessary to preserve the blessings of liberty.

The reading was dispensed with, and

On motion of Mr. Thomas,

The report was laid on the table, and 250 copies ordered to be printed for the use of the convention.

On motion,

The convention adjourned until 3 o'clock, P. M.

### THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

The question pending when the convention adjourned this morning, was on the amendment proposed by Mr. Woodson to the amendment offered by Mr. Dement.

Mr. Dement modified the amendment offered by him this morning by inserting the following as section 11:

"SEC. 11. The stockholders in every corporation and joint stock association for banking purposes, issuing bank notes or any kind of paper credits to circulate as money, shall be individually responsible to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind."

The question was then taken, by yeas and nays, on amending the amendment as proposed by Mr. Woodson,

And decided in the affirmative,	{ Yeas,	:	:	:	:	80
	{ Nays,	:	:	:	:	57

Those voting in the affirmative, are,

Mr. Adams  
Anderson  
Armstrong  
Blakely

Mr. Brown  
Canady  
Colby  
Constable

Mr. Cross of Winnebago  
Church  
Churchill  
Davis of McLean



Mr. Dawson	Mr. Judd	Mr. Robbins
Deitz	Knapp of Jersey	Swan
Dummer	Knapp of Scott	Shields
Dunlap	Kenner	Spencer
Dunn	Kinney of Bureau	Sherman
Dunsmore	Kitchell	Servant
Edwards of Madison	Knowlton	Sibley
Edwards of Sangamon	Knox	Singleton
Eccles	Lander	Smith of Macon
Edmonson	Lemon	Thomas
Evey	Lockwood	Thornton
Graham	Logan	Turnbull
Geddes	Loudon	Turner
Green of Clay	Marshall of Coles	Tuttle
Grimshaw	Mason	Vance
Harlan	Mieure	Webber
Harper	Miller	West
Harvey	Moffett	Williams
Hay	Northcott	Witt
Heacock	Palmer of Marshall	Whitney
Hill	Peters	Woodson
Hogue	Pinckney	Worcester.
Hurlbut	Rives	

Those voting in the negative, are,

Mr. Akin	Mr. Davis of Montgomery	Mr. Markley
Allen	Davis of Massac	Morris
Archer	Dement	Nichols
Atherton	Farwell	Oliver
Blair	Green of Jo Daviess	Pace
Brockman	Gregg	Palmer of Macoupin
Bond	Hatch	Pratt
Bosbyshell	Hayes	Robinson
Bunsen	Henderson	Roman
Butler	Hoes	Rountree
Crain	James	Scates
Caldwell	Kreider	Sharpe
Campbell of McDonough	Kinney of St. Clair	Stadden
Carter	Lasater	Sim
F. S. Casey	Linley	Simpson
Z. Casey	McCallen	Smith of Gallatin
Choate	McCully	Shumway
Cross of Woodford	McClure	Thompson
Cloud	Manly	Whiteside.

Mr. Hayes moved to amend the amendment by adding thereto the following as an additional section:

"SEC. —. No banking powers or privileges shall be renewed, extended, created or exercised within this state; *Provided*, that the above section shall be submitted to the people separately at the same time with the new constitution, and if a majority of the people voting upon that question shall be in favor of the same, it shall be a permanent provision of the constitution, and exclude the operations of any other provisions to the contrary in this constitution."

On motion of Mr. Adams,

The previous question was ordered.

The question was taken, by yeas and nays, on amending the amendment, by adding the proposed additional section,

And decided in the negative,	{ Yeas,	:	:	:	61
	{ Nays,	:	:	:	76



Those voting in the affirmative, are,

Mr. Akin  
Allen  
Archer  
Armstrong  
Atherton  
Blair  
Brockman  
Bosbyshell  
Brown  
Bunsen  
Butler  
Crain  
Caldwell  
Campbell of McDonough  
Carter  
F. S. Casey  
Z. Casey  
Colby  
Constable  
Cross of Woodford  
Cloud

Mr. Davis of Montgomery  
Davis of Massac  
Dement  
Farwell  
Green of Jo Daviess  
Gregg  
Hayes  
Henderson  
Hill  
Hoes  
Hogue  
James  
Kreider  
Kinney of St. Clair  
Lasater  
Linley  
McCully  
Markley  
Moffett  
Morris  
Nichols

Oliver  
Pace  
Palmer of Macoupin  
Pratt  
Robinson  
Roman  
Rountree  
Scates  
Stadden  
Shields  
Sim  
Simpson  
Smith of Gallatin  
Thompson  
Tutt  
West  
Williams  
Witt  
Whiteside  
Worcester.

Those voting in the negative, are,

Mr. Adams  
Anderson  
Blakely  
Canady  
Choate  
Cross of Winnebago  
Church  
Churchill  
Davis of McLean  
Dawson  
Deitz  
Dummer  
Dunlap  
Dunn  
Dunsmore  
Edwards of Madison  
Edwards of Sangamon  
Eccles  
Edmonson  
Evey  
Graham  
Geddes  
Green of Clay  
Grimshaw  
Harlan  
Harper

Mr. Harvey  
Hatch  
Hay  
Heacock  
Holmes  
Hurlbut  
Judd  
Knapp of Jersey  
Knapp of Scott  
Kenner  
Kinney of Bureau  
Kitchell  
Knowlton  
Knox  
Lander  
Lemon  
Lockwood  
Logan  
Loudon  
McCallen  
McClure  
Manly  
Marshall of Coles  
Mason  
Mieure

Mr. Miller  
Northcott  
Palmer of Marshall  
Peters  
Pinckney  
Rives  
Robbins  
Sharpe  
Swan  
Spencer  
Sherman  
Servant  
Sibley  
Singleton  
Smith of Macon  
Shumway  
Thomas  
Thornton  
Turnbull  
Turner  
Tuttle  
Vance  
Webber  
Whitney  
Woodson.

Mr. Dement called for a division, so as to vote first on inserting the 12th section; which was agreed to by the convention.

The question was taken, by yeas and nays, on inserting the 12th section,

And decided in the affirmative, { Yeas, : : : : : 127  
Nays, : : : : : 9



Those voting in the affirmative, are,

Mr. Adams	Mr. Geddes	Mr. Morris
Akin	Green of Clay	Nichols
Allen	Green of Jo Daviess	Northcott
Anderson	Gregg	Oliver
Archer	Grimshaw	Pace
Armstrong	Harlan	Palmer of Macoupin
Atherton	Harper	Palmer of Marshall
Blakely	Harvey	Pratt
Brockman	Hatch	Peters
Bosbyshell	Hay	Pinckney
Brown	Hayes	Rives
Bunsen	Heacock	Robbins
Crain	Henderson	Robinson
Canady	Hill	Roman
Caldwell	Hoes	Rountree
Campbell of McDonough	Hogue	Scates
Carter	Hurlbut	Sharpe
F. S. Casey	Judd	Stadden
Z. Casey	Knapp of Jersey	Swan
Choate	Knapp of Scott	Shields
Colby	Kreider	Spencer
Constable	Kenner	Sherman
Cross of Winnebago	Kinney of Bureau	Servant
Cloud	Kinney of St. Clair	Sibley
Church	Kitchell	Sim
Churchill	Knowlton	Simpson
Davis of Montgomery	Knox	Smith of Gallatin
Davis of McLean	Lander	Smith of Macon
Davis of Massac	Lasater	Shumway
Dawson	Lemon	Thomas
Deitz	Linley	Thompson
Dement	Logan	Thornton
Dummer	Loudon	Turner
Dunlap	McCallen	Tutt
Dunn	McCully	Tuttle
Dunsmore	McClure	Webber
Edwards of Madison	Manly	West
Edwards of Sangamon	Markley	Williams
Eccles	Marshall of Coles	Witt
Edmonson	Mason	Whiteside
Evey	Mieure	Whitney
Farwell	Miller	Woodson
Graham	Moffett	Worcester.

Those voting in the negative, are,

Mr. Blair	Mr. Holmes	Mr. Singleton
Butler	James	Turnbull
Cross of Woodford	Lockwood	Vance.

Mr. Palmer of Macoupin called for a division, so as to vote first on inserting the 11th section of the amendment; which was agreed to by the convention.

The question was then taken, by yeas and nays, on inserting the 11th section of the amendment,

And decided in the affirmative,	{ Yeas, . . . . .	107
	{ Nays, . . . . .	30



Those voting in the affirmative, are,

Mr. Adams	Mr. Graham	Mr. Pace
Akin	Green of Jo Daviess	Palmer of Macoupia
Allen	Gregg	Pratt
Anderson	Grimshaw	Peters
Archer	Harlan	Pinckney
Armstrong	Harper	Rives
Atherton	Harvey	Robbins
Blair	Hatch	Robinson
Blakely	Hayes	Roman
Brockman	Heacock	Rountree
Bosbyshell	Henderson	Scates
Brown	Hill	Sharpe
Bunsen	Hoes	Stadden
Butler	Hogue	Shields
Crain	Knapp of Scott	Spencer
Campbell of McDonough	Kreider	Sherman
Carter	Kenner	Sibley
F. S. Casey	Kinney of St. Clair	Sim
Z. Casey	Kitchell	Simpson
Choate	Knox	Smith of Gallatin
Colby	Lasater	Smith of Macon
Constable	Linley	Shumway
Cross of Woodford	Loudon	Thomas
Cloud	McCallen	Thompson
Church	McCully	Thornton
Churchill	McClure	Turner
Davis of Montgomery	Manly	Tutt
Davis of Massac	Markley	Tuttle
Deitz	Marshall of Coles	Webber
Dement	Mieure	West
Dunlap	Miller	Witt
Dunn	Moffett	Whiteside
Dunsmore	Morris	Whitney
Edmonson	Nichols	Woodson
Evey	Oliver	Worcester.
Farwell		

Those voting in the negative, are,

Mr. Canady	Mr. Holmes	Mr. Logan
Cross of Winnebago	Hurlbut	Mason
Davis of McLean	James	Northcott
Dawson	Judd	Palmer of Marshall
Dummer	Knapp of Jersey	Swan
Edwards of Madison	Kinney of Bureau	Servant
Edwards of Sangamon	Knowlton	Singleton
Eccles	Lander	Turnbull
Geddes	Lemon	Vance
Hay	Lockwood	Williams.

The question was then taken, by yeas and nays, on inserting the fourth, fifth, sixth, seventh, eighth, ninth, and tenth sections of the amendment,

And decided in the negative, {	Yeas,	:	:	:	:	35
	Nays,	:	:	:	:	100



Those voting in the affirmative, are,

Mr. Armstrong	Mr. Edwards of Sangamon	Mr. Mieux
Brown	Graham	Moffett
Colby	Geddes	Stadden
Cross of Winnebago	Harlan	Spencer
Church	Heacock	Sherman
Churchill	Hill	Tuttle
Davis of McLean	Hurlbut	Webber
Dement	Judd	Witt
Dummer	Kenner	Whitney
Dunlap	Knox	Woodson
Dunsmore	Logan	Worcester.
Edwards of Madison	Marshall of Coles	

Those voting in the negative, are,

Mr. Adams	Mr. Grimshaw	Mr. Oliver
Akin	Harper	Pace
Allen	Harvey	Palmer of Macoupin
Anderson	Hatch	Palmer of Marshall
Archer	Hay	Pratt
Atherton	Hayes	Peters
Blair	Henderson	Pinckney
Blakely	Hoes	Rives
Brockman	Hogue	Robbins
Bosbyshell	James	Robinson
Bunsen	Knapp of Jersey	Roman
Butler	Knapp of Scott	Rountree
Crain	Kreider	Scates
Canady	Kinney of Bureau	Sharpe
Caldwell	Kinney of St. Clair	Swan
Campbell of McDonough	Kitchell	Shields
Carter	Rnowlton	Servant
F. S. Casey	Lander	Sibley
Zadok Casey	Lasater	Sim
Choate	Lemon	Simpson
Constable	Linley	Singleton
Cross of Woodford	Lockwood	Smith of Gallatin
Cloud	Loudon	Smith of Macon
Davis of Montgomery	McCallen	Shumway
Davis of Massac	McCully	Thomas
Dawson	McClure	Thompson
Deitz	Manly	Thornton
Dunn	Markley	Turnbull
Eccles	Mason	Turner
Edmonson	Miller	Vance
Evey	Morris	West
Farwell	Nichols	Williams
Green of Jo Daviess	Northcott	Whiteside.
Gregg		

On motion,

The convention adjourned.

FRIDAY, AUGUST 6, 1847.

The convention assembled pursuant to adjournment.

The journal of yesterday was read.

The question pending when the convention adjourned on yesterday was on the adoption of the report of the committee on Incorporations, as amended.



On motion of Mr. Edwards of Sangamon,

The previous question was ordered, { Yeas, : : : 65  
Nays, : : : 56

Those voting in the affirmative, are,

Mr. Adams	Mr. Harper	Mr. Palmer of Marshall
Anderson	Harvey	Pinckney
Blair	Hogue	Rives
Canady	Hurlbut	Robinson
Constable	Judd	Rountree
Cross of Winnebago	Knapp of Jersey	Swan
Church	Knapp of Scott	Shields
Churchill	Kenner	Spencer
Davis of McLean	Kinney of Bureau	Sherman
Dawson	Knowlton	Sibley
Dummer	Lemon	Smith of Macon
Dunlap	Lockwood	Thomas
Dunn	Loudon	Thornton
Edwards of Madison	McCallen	Turnbull
Edwards of Sangamon	Manly	Tutt
Eccles	Marshall of Coles	Vance
Edmonson	Marshall of Mason	West
Evey	Mason	Witt
Graham	Mieure	Whitney
Geddes	Miller	Woodson
Green of Jo Daviess	Moffett	Worcester.
Harlan	Northcott	

Those voting in the negative, are,

Mr. Akin	Mr. Dement	Mr. Nichols
Allen	Dunsmore	Oliver
Armstrong	Farwell	Pace
Atherton	Gregg	Palmer of Macoupin
Blakely	Hayes	Pratt
Brockman	Henderson	Robbins
Bunsen	Hill	Roman
Butler	Hoes	Scates
Crain	Holmes	Stadden
Caldwell	James	Sim
Campbell of McDonough	Kinney of St. Clair	Simpson
Carter	Knox	Singleton
F. S. Casey	Lander	Smith of Gallatin
Z. Casey	Lasater	Shumway
Choate	Linley	Thompson
Colby	McCully	Webber
Cross of Woodford	McClure	Williams
Cloud	Markley	Whiteside.
Davis of Massac	Morris	

Mr. Scates called for a division, so as to vote first on the adoption of the last section.

The question was taken, and the convention refused to second the call.

The question was taken, by yeas and nays, on the adoption of the article, as amended,

And decided in the affirmative, { Yeas, : : : 86  
Nays, : : : 45



Those voting in the affirmative, are,

Mr. Adams	Mr. Harlan	Mr. Morris
Anderson	Harper	Nichols
Armstrong	Harvey	Northcott
Blair	Hatch	Palmer of Marshall
Blakely	Hay	Pinckney
Canady	Hogue	Rives
Choate	Holmes	Robbins
Colby	Hurlbut	Robinson
Constable	Judd	Sharpe
Cross of Winnebago	Knapp of Jersey	Swan
Cloud	Knapp of Scott	Shields
Church 3]	Kenner	Spencer
Churchill	Kinney of Bureau	Sherman
Davis of McLean	Knowlton	Servant
Dawson	Knox	Sibley
Deitz	Lander	Smith of Macon
Dement	Lemon	Shumway
Dummer	Lockwood	Thomas
Dunlap	Logan	Thornton
Dunn	Loudon	Turnbull
Dunsmore	McCallen	Turner
Edwards of Madison	McClure	Tutt
Edwards of Sangamon	Manly	Vance
Eccles	Marshall of Coles	Webber
Edmonson	Marshall of Mason	West
Evey	Mason	Whitney
Graham	Mieure	Woodson
Geddes	Miller	Worcester.
Green of Jo Daviess	Moffett	

Those voting in the negative, are,

Mr. Akin	Mr. Davis of Massac	Mr. Palmer of Macgugin
Allen	Gregg	Pratt
Atherton	Hayes	Peters
Brockman	Henderson	Roman
Bond	Hill	Rountree
Bosbyshell	Hoes	Scates
Bunsen	James	Stadden
Butler	Kreider	Sim
Crain	Kinney of St. Clair	Simpson
Caldwell	Lasater	Singleton
Campbell of McDonough	Linley	Smith of Gallatin
Carter	McCully	Thompson
F. S. Casey	Markley	Williams
Z. Casey	Oliver	Witt
Cross of Woodford	Pace	Whiteside.

On motion of Mr. Servant,

The article was referred to the committee on the Adjustment and Revision of the Articles of the Constitution.

On motion of Mr. Z. Casey,

The rules were dispensed with, and the report of the committee on the Legislative Department, as amended in committee of the whole, was taken from the table.

On motion of Mr. Witt,

*Ordered*, That the report be considered by sections.

The question was taken on the adoption of the first section, and decided in the affirmative.



On motion of Mr. Adams,

The second section was amended by inserting after the word "on," in first line, and after the word "on," in the third line, the words "the Tuesday next after."

Mr. Thomas moved to amend the same section by inserting after the word "thereafter," the words "until otherwise provided by law."

The question was taken, and the amendment rejected.

The question was taken on the adoption of the section, and decided in the affirmative.

Mr. Markley moved to amend the third section by striking out the word "five," and by inserting in lieu thereof the word "one."

A division of the question being called for,

The question was taken, by yeas and nays, on striking out,

And decided in the negative,	{ Yeas,	:	:	:	:	41
	{ Nays,	:	:	:	:	86

Those voting in the affirmative, are,

Mr. Akin	Mr. Davis of Massac	Mr. McCallen
Allen	Edmonson	McClure
Anderson	Evey	Markley
Armstrong	Green of Jo Daviess	Marshall of Mason
Blakely	Hatch	Oliver
Brockman	Hayes	Pratt
Bosbyshell	Heacock	Scates
Butler	Henderson	Stadden
Caldwell	Hoes	Swan
Campbell of McDonough	Hogue	Singleton
Carter	Kinney of St. Clair	Shumway
F. S. Casey	Kitchell	Tuttle
Cross of Woodford	Lasater	Whitney.
Cloud	Louden	

Those voting in the negative, are,

Mr. Adams	Mr. Edwards of Madison	Mr. Logan
Atherton	Edwards of Sangamon	McCully
Blair	Eccles	Marshall of Coles
Bond	Graham	Mason
Brown	Geddes	Mieure
Bunsen	Harlan	Miller
Crain	Harper	Moffett
Canady	Hay	Morris
Z. Casey	Hill	Nichols
Choate	Hurlbut	Northcott
Colby	James	Pace
Constable	Judd	Palmer of Macoupin
Cross of Winnebago	Knapp of Jersey	Palmer of Marshall
Church	Knapp of Scott	Peters
Churchill	Kreider	Pinckney
Davis of McLean	Kenner	Rives
Dawson	Kinney of Bureau	Robbins
Deitz	Knowlton	Robinson
Dement	Knox	Rountree
Dummer	Lander	Sharpe
Dunlap	Lemon	Shields
Dunn	Linley	Spencer
Dunsmore	Lockwood	Servant



Mr. Sibley  
 Sim  
 Simpson  
 Smith of Macon  
 Thomas  
 Thompson

Mr. Thornton  
 Turnbull  
 Turner  
 Vance  
 Webber  
 West

Mr. Williams  
 Witt  
 Whiteside  
 Woodson  
 Worcester.

On motion of Mr. Singleton,

The third section was amended by inserting after the word "resided," in the third line, the words "three years in this state, and."

The question was taken, by yeas and nays,

And decided in the affirmative,	{ Yeas,	:	:	:	:	92
	{ Nays,	:	:	:	:	34

Those voting in the affirmative, are,

Mr. Adams  
 Atherton  
 Blair  
 Blakely  
 Bond  
 Bosbyshell  
 Brown  
 Canady  
 Campbell of McDonough  
 Z. Casey  
 Choate  
 Colby  
 Constable  
 Cross of Winnebago  
 Churchill  
 Davis of McLean  
 Dawson  
 Deitz  
 Dement  
 Dummer  
 Dunlap  
 Dunn  
 Dunsmore  
 Edwards of Madison  
 Edwards of Sangamon  
 Edmonson  
 Evey  
 Graham  
 Geddes  
 Harlan  
 Harper

Mr. Hay  
 Heacock  
 Hill  
 Hogue  
 Hurlbut  
 Judd  
 Knapp of Jersey  
 Knapp of Scott  
 Kenner  
 Kinney of Bureau  
 Kinney of St. Clair  
 Kitchell  
 Knowlton  
 Knox  
 Lander  
 Lemon  
 Linley  
 Lockwood  
 Logan  
 Loudon  
 McCallen  
 Marshall of Coles  
 Marshall of Mason  
 Mason  
 Mieuere  
 Miller  
 Moffett  
 Morris  
 Nichols  
 Northcott  
 Pace

Mr. Palmer of Macoupin  
 Palmer of Marshall  
 Peters  
 Pinckney  
 Rives  
 Robinson  
 Roman  
 Rountree  
 Sharpe  
 Spencer  
 Sherman  
 Servant  
 Sibley  
 Sim  
 Simpson  
 Singleton  
 Smith of Macon  
 Thomas  
 Thompson  
 Thornton  
 Turnbull  
 Turner  
 Tuttle  
 Vance  
 Webber  
 West  
 Williams  
 Witt  
 Whitney  
 Woodson  
 Worcester.

Those voting in the negative, are,

Mr. Akin  
 Allen  
 Anderson  
 Armstrong  
 Brockman  
 Bunsen  
 Butler  
 Crain  
 Caldwell  
 Carter  
 F. S. Casey  
 Cross of Woodford

Mr. Cloud  
 Church  
 Davis of Massac  
 Eccles  
 Green of Jo Daviess  
 Hatch  
 Hayes  
 Henderson  
 Hoes  
 James  
 Kreider  
 Lasater

Mr. McCully  
 McClure  
 Markley  
 Oliver  
 Pratt  
 Robbins  
 Scates  
 Stadden  
 Shields  
 Shumway  
 Whiteside.



The question was taken on the adoption of the section, as amended, and decided in the affirmative.

Mr. Markley moved to amend the fourth section by striking out the word "thirty," and by inserting in lieu thereof the words "twenty-five."

The question was taken, and the amendment rejected.

Mr. Scates called for a division, so as to vote first on concurring in the first amendment of the committee of the whole; which are the words "and an inhabitant of this state," after the first words "United States."

The question was so taken, and decided in the affirmative.

The question was taken, by yeas and nays, on concurring in the amendment made by the committee of the whole, on inserting the words "five years in the state, and," after the word "resided," in the third line,

And decided in the affirmative,	{ Yeas,	:	:	:	:	89
	{ Nays,	:	:	:	:	40

Those voting in the affirmative, are,

Mr. Adams	Mr. Hay	Mr. Rives
Atherton	Heacock	Robbins
Blair	Hill	Robinson
Blakely	Hogue	Roman
Bond	Hurlbut	Rountree
Canady	Knapp of Jersey	Sharpe
Campbell of McDonough	Knapp of Scott	Swan
Z. Casey	Kenner	Shields
Choate	Kinney of Bureau	Spencer
Colby	Kitchell	Sherman
Constable	Knowlton	Servant
Cross of Winnebago	Knox	Sibley
Church	Lander	Sim
Churchill	Lemon	Simpson
Davis of McLean	Linley	Singleton
Dawson	Lockwood	Smith of Macon
Deitz	Logan	Thomas
Dement	Loudon	Thompson
Dummer	McCallen	Thornton
Dunlap	Marshall of Coles	Turnbull
Dunn	Marshall of Mason	Turner
Dunsmore	Mieure	Tuttle
Edwards of Madison	Miller	Vance
Edwards of Sangamon	Moffett	Webber
Edmonson	Nichols	West
Evey	Northcott	Witt
Graham	Palmer of Macoupin	Whitney
Geddes	Palmer of Marshall	Woodson
Harlan	Peters	Worcester.
Harper	Pinckney	

Those who voted in the negative, are,

Mr. Akin	Mr. Crain	Mr. Gregg
Allen	Caldwell	Hatch
Anderson	Carter	Hayes
Armstrong	F. S. Casey	Henderson
Brockman	Cross of Woodford	Hoes
Bosbyshell	Cloud	James
Brown	Davis of Massac	Judd
Bunsen	Eccles	Kreider
Butler	Green of Jo Daviess	Lasater



Mr. McCully  
McClure  
Manly  
Markley  
Morris

Mr. Oliver  
Pace  
Pratt  
Scales

Mr. Stadden  
Shumway  
Tutt  
Whiteside.

The question was taken on the adoption of the fourth section, as amended, and decided in the affirmative.

Mr. Hay moved to amend the fifth section by striking out the words "forever."

The question was taken, and the amendment rejected.

The question was taken on the adoption of the fifth section, and decided in the affirmative.

Mr. Scates called for a division, so as to vote separately on concurring with the committee of the whole in striking out the words "never to be increased or diminished," in the sixth section, and by inserting in lieu thereof the words "until the population of the state shall amount to one million of souls, when five members may be added to the house," &c.

Mr. Constable called for a division, so as to vote first on concurring with the committee of the whole on striking out.

The question was so taken, by yeas and nays,

And decided in the affirmative, { Yeas, . . . . 77  
Nays, . . . . 55

Those voting in the affirmative, are,

Mr. Adams  
Anderson  
Armstrong  
Blair  
Blakely  
Brockman  
Caldwell  
Campbell of McDonough  
Carter  
Choate  
Colby  
Cross of Winnebago  
Cross of Woodford  
Cloud  
Church  
Churchill  
Davis of McLean  
Davis of Massac  
Deitz  
Dummer  
Dunsmore  
Edwards of Madison  
Eccles  
Edmonson  
Graham  
Green of Jo Daviess

Mr. Gregg  
Harvey  
Hatch  
Hayes  
Heacock  
Henderson  
Hill  
Hoes  
Holmes  
Hurlbut  
Judd  
Knapp of Jersey  
Kreider  
Kenner  
Kinney of Bureau  
Kitchell  
Knowlton  
Knox  
Lander  
Lemon  
Logan  
McCallen  
McClure  
Marshall of Mason  
Mason  
Mieure

Mr. Moffett  
Morris  
Nichols  
Northcott  
Palmer of Macoupin  
Pratt  
Pinckney  
Rives  
Robbins  
Rountree  
Stadden  
Swan  
Shields  
Spencer  
Sherman  
Servant  
Sibley  
Smith of Macon  
Thomas  
Turnbull  
Turner  
Tuttle  
West  
Whitney  
Woodson.

Those voting in the negative, are,

Mr. Akin  
Allen  
Atherton  
Bond

Mr. Brown  
Bunsen  
Butler  
Crain

Mr. Canady  
F. S. Casey  
Z. Casey  
Constable



Dawson  
Dement  
Dunlap  
Dunn  
Edwards of Sangamon  
Evey  
Geddes  
Harlan  
Harper  
Hay  
Hogue  
James  
Knapp of Scott  
Kinney of St. Clair  
Lasater

Mr. Linley  
Lockwood  
Loudon  
McCully  
Manly  
Markley  
Marshall of Coles  
Miller  
Oliver  
Pace  
Palmer of Marshall  
Robinson  
Roman  
Scates

Mr. Sharpe  
Sim  
Simpson  
Singleton  
Shumway  
Thompson  
Thornton  
Tutt  
Vance  
Webber  
Williams  
Witt  
Whiteside  
Worcester.

Mr. Campbell of McDonough moved to amend the amendment of the committee of the whole by striking out the word "five," and by inserting word "ten."

A division of the question being called for on striking out,

The question was so taken, and decided in the negative.

Mr. Palmer of Macoupin moved to amend the same amendment by striking out all after the word "souls."

The question was taken, and the amendment rejected.

Mr. Scates moved to amend the same amendment by striking out the words "one million," and by inserting in lieu thereof the words "two millions."

A division being called for on striking out,

The question was so taken, and decided in the negative.

Mr. Brockman moved to amend the same amendment by striking out after the words "one hundred."

Mr. Witt moved to amend the same amendment by striking out the words "neither be increased nor diminished."

The question was taken on Mr. Witt's motion, and decided in the negative.

The question was then taken on the motion made by Mr. Brockman, and decided in the negative.

The question was then taken, by yeas and nays, on concurring with the committee of the whole, on inserting the words agreed to,

and decided in the affirmative,	{ Yeas,	:	:	:	:	85
	{ Nays,	:	:	:	:	48

Those voting in the affirmative, are,

Adams  
Anderson  
Atherton  
Blair  
Butler  
Caldwell  
Campbell of McDonough  
Choate  
Colby  
Cross of Winnebago  
Cross of Woodford

Mr. Cloud  
Church  
Churchill  
Davis of McLean  
Davis of Massac  
Dawson  
Deitz  
Dummer  
Dunn  
Dunsmore  
Edwards of Madison

Mr. Eccles  
Edmonson  
Graham  
Geddes  
Green of Jo Daviess  
Gregg  
Harper  
Harvey  
Hatch  
Hay  
Hayes



Mr. Heacock  
Henderson  
Hill  
Holmes  
James  
Knapp of Jersey  
Kenner  
Kinney of Bureau  
Kitchell  
Knowlton  
Knox  
Lander  
Lemon  
Linley  
Lockwood  
Logan  
Loudon  
McCallen

Mr. McCully  
McClure  
Marshall of Mason  
Mason  
Mieure  
Moffett  
Morris  
Northcott  
Palmer of Marshall  
Pratt  
Peters  
Pinckney  
Rives  
Robbins  
Robinson  
Rountree  
Sharpe  
Stadden

Mr. Swan  
Shields  
Spencer  
Sherman  
Servant  
Sibley  
Singleton  
Smith of Macon  
Thomas  
Turnbull  
Turner  
Tuttle  
West  
Williams  
Witt  
Whiteside  
Woodson.

Those voting in the negative, are,

Mr. Akin  
Allen  
Armstrong  
Blakely  
Brockman  
Bond  
Bosbyshell  
Brown  
Bunsen  
Craia  
Canady  
Carter  
F. S. Casey  
Z. Casey  
Constable  
Dement

Mr. Dunlap  
Edwards of Sangamon  
Evey  
Farwell  
Harlan  
Hoes  
Hogue  
Hurlbut  
Judd  
Knapp of Scott  
Kreider  
Kinney of St. Clair  
Lasater  
Manly  
Markley  
Marshall of Coles

Mr. Miller  
Nichols  
Oliver  
Pace  
Palmer of Macoupin  
Roman  
Scates  
Sim  
Simpson  
Smith of Gallatin  
Shumway  
Thornton  
Vance  
Webber  
Whitney  
Worcester.

The question was then taken on concurring with the committee of whole in striking out the words "as herein provided for," and by inserting in lieu thereof the words "in all future apportionments," &c., decided in the affirmative.

Mr. McCallen moved to amend the sixth section by striking out words "twenty-five," and by inserting in lieu thereof the word "twenty" and by striking out the words "seventy-five," and inserting in lieu thereof the word "eighty."

Mr. Shumway called for a division, so as to vote first on striking the word "twenty-five," and inserting in lieu thereof the word "twenty."

The question was taken, and decided in the negative.

The question was then taken on striking out the words "seventy-five" and inserting in lieu thereof the words "eighty," and decided in the negative.

On motion of Mr. Whiteside,

The further consideration of the sixth section was postponed until Monday.



Mr. Dawson moved to amend the seventh section by striking out the word "Monday," and inserting in lieu thereof the word "Tuesday."

The question was taken, and the amendment rejected.

Mr. Thomas moved to amend the same section by striking out the word "January," and inserting in lieu thereof the word "December."

The question was taken, and the amendment rejected.

Mr. Whiteside moved to amend the same section by striking out the word "January," in the third line, and by inserting in lieu thereof the word "August."

The question was taken, and the amendment rejected.

The question was taken on the adoption of the seventh section, and decided in the affirmative.

The question was taken on the adoption of the eighth section, and decided in the affirmative.

Mr. Roman moved to amend the ninth section by striking out the word "five," and inserting in lieu thereof the word "five."

The division being called for on striking out,

The question was so taken, and decided in the negative.

The question was taken on the adoption of the ninth section, and decided in the affirmative.

The question was taken on the adoption of the tenth section, and decided in the affirmative.

On motion of Mr. Thomas,

The eleventh section was amended by striking out the last three words, and by inserting in lieu thereof the words "on the question."

The question was taken on the adoption of the eleventh section, and decided in the affirmative.

The question was taken consecutively on the adoption of the 12th, 13th, 14th, and 15th sections, and decided in the affirmative.

On motion of Mr. Thornton,

The 16th section was amended by striking out the two last words, and by inserting in lieu thereof the words "each house."

The question was taken on the adoption of the 16th section, as amended, and decided in the affirmative.

On motion of Mr. Thomas,

The 17th section was struck out, and the following inserted in lieu thereof:

Wills making appropriations for the pay of the members and officers of the general assembly, and for the salaries of the officers of the government, as fixed by the constitution, shall not contain any provision on any subject.

The question was taken on the adoption of the 17th section, as amended, and decided in the affirmative.

On motion of Mr. Manly,

Leave of absence was granted to Mr. Archer for eight days.

On motion of Mr. Pinckney,

Leave of absence was granted to Mr. Grimshaw for eight days.

On motion of Mr. Peters,



Leave of absence was granted to Mr. Kinney of Bureau for seven days.

On motion,

The convention adjourned until three o'clock. P. M.

### THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

On motion of Mr. Thomas,

Leave of absence was granted to Mr. Dummer for seven days.

The convention resumed the consideration of the report of the committee on the Legislative Department, as amended in committee of the whole.

Mr. Shumway moved to amend the amendment made by the committee of the whole to the 18th section, by adding thereto the words "except appropriations making payment to members and officers of the general assembly and officers of the state government."

The question was taken, by yeas and nays,

And decided in the affirmative,	{ Yeas,	:	:	:	78
	{ Nays,	:	:	:	38

Those voting in the affirmative, are,

Mr. Adams	Mr. Hatch	Mr. Pratt
Anderson	Hoes	Peters
Armstrong	Hogue	Pinckney
Atherton	Holmes	Rives
Blair	James	Roman
Brown	Judd	Rountree
Bunsen	Knapp of Jersey	Scates
Canady	Kreider	Sharpe
Campbell of McDonough	Kitchell	Stadden
F. S. Casey	Knox	Swan
Choate	Lasater	Shields
Constable	Lemon	Sherman
Cross of Woodford	Linley	Servant
Cloud	Lockwood	Sibley
Church	McCallen	Sim
Churchill	McCully	Simpson
Davis of McLean	McClure	Singleton
Dunlap	Manly	Smith of Macon
Dunsmore	Markley	Shumway
Edmonson	Marshall of Mason	Tuttle
Evey	Mason	Webber
Farwell	Mieure	Williams
Graham	Moffet	Witt
Geddes	Nichols	Whiteside
Green of Clay	Pace	Whitney
Green of Jo Daviess	Palmer of Macoupin	Woodson.
Harper	Palmer of Marshall	



Those voting in the negative, are,

Akin	Mr. Eccles	Mr. Morris
Allen	Gregg	Oliver
Bond	Harlan	Robbins
Caldwell	Harvey	Robinson
Carter	Hay	Spencer
Z. Casey	Hill	Smith of Gallatin
Colby	Hurlbut	Thomas
Cross of Winnebago	Knapp of Scott	Thornton
Davis of Massac	Kenner	Turnbull
Dawson	Knowlton	Turner
Deitz	Lander	Tutt
Dunn	Logan	Vance.
Edwards of Sangamon	Miller	

On motion of Mr. Peters,

The amendment made by the committee of the whole, as amended, is further amended by striking out all after the word "direct."

The question was taken on concurring with the committee of the whole the amendment made to the 18th section, as amended by the convention, and decided in the affirmative.

Mr. Sim moved to amend the 18th section, as amended, by striking out of the fourth and fifth lines after the word "houses," and insert in lieu thereof the words "no law passed by the legislature shall contain matter foreign to that expressed in the title thereof."

The question was taken, and the amendment rejected.

Mr. Kenner moved to amend the same section, as amended, by striking out the words "private or local."

The question was taken, and the amendment rejected.

The question was taken on the adoption of the 18th section, as amended, and decided in the affirmative.

The question was taken on the adoption of the 19th section, and decided in the affirmative.

Mr. Lockwood moved to amend the amendment, made by the committee of the whole to the 20th section, by striking out the word "one," and inserting in lieu thereof the word "two."

A division of the question being called for,

The question was taken, by yeas and nays, on striking out,

And decided in the negative,	{ Yeas,	:	:	:	:	23
	{ Nays,	:	:	:	:	106

Those voting in the affirmative, are,

Armstrong	Mr. Judd	Mr. Roman
Brown	Lockwood	Sharpe
Davis of Massac	Logan	Sherman
Dunlap	McCallen	Servant
Green of Jo Daviess	McClure	Singleton
Gregg	Mason	West
Heacock	Miller	Whitney.
Hurlbut	Pinckney	



Those voting in the negative, are,

Mr. Adams	Mr. Farwell	Mr. Morris
Akin	Graham	Nichols
Allen	Geddes	Oliver
Anderson	Green of Clay	Pace
Atherton	Harlan	Palmer of Macoupin
Blair	Harper	Palmer of Marshall
Blakely	Harvey	Peters
Brockman	Hatch	Rives
Bond	Hay	Robbins
Bosbyshell	Henderson	Robinson
Bunsen	Hill	Rountree
Butler	Hoes	Scates
Crain	Hogue	Stadden
Canady	Holmes	Swan
Caldwell	James	Shields
Campbell of McDonough	Knapp of Jersey	Spencer
Carter	Knapp of Scott	Sibley
F. S. Casey	Kreider	Sim
Z. Casey	Kenner	Simpson
Choate	Kinney of Bureau	Smith of Gallatin
Constable	Kitchell	Smith of Macon
Cross of Winnebago	Knowlton	Shumway
Cross of Woodford	Knox	Thomas
Cloud	Lander	Thornton
Church	Lasater	Turnbull
Churchill	Lemon	Turner
Davis of McLean	Linley	Tutt
Dawson	Loudon	Tuttle
Deitz	McCully	Vance
Dement	Manly	Webber
Dunn	Markley	Williams
Dunsmore	Marshall of Coles	Witt
Edwards of Sangamon	Marshall of Mason	Whiteside
Eccles	Mieure	Woodson
Edmonson	Moffett	Worcester.
Evey		

Mr. Armstrong moved to amend the same amendment, by adding after the words "and no more," the words "and such additional compensation as the legislature shall deem just and proper, not exceeding three dollars per day."

The question was taken, and the amendment rejected.

Mr. Brown moved to amend the same amendment by striking out all after the words "and no more."

The question was taken, by yeas and nays,

And decided in the negative,	{ Yeas,	:	:	:	:	26
	{ Nays,	:	:	:	:	103

Those voting in the affirmative, are,

Mr. Brown	Mr. Judd	Mr. Roman
Caldwell	Kenner	Swan
Constable	Lemon	Servant
Cloud	Lockwood	Singleton
Davis of Massac	Logan	Smith of Gallatin
Dawson	McCallen	Turner
Gregg	Miller	Tuttle
Heacock	Palmer of Marshall	Whitney.
Hurlbut	Pinckney	



Those voting in the negative, are,

Mr. Adams  
Akin  
Allen  
Anderson  
Armstrong  
Atherton  
Blair  
Blakely  
Brockman  
Bond  
Bosbyshell  
Bunsen  
Butler  
Crain  
Canady  
Campbell of McDonough  
Carter  
F. S. Casey  
Z. Casey  
Choate  
Cross of Winnebago  
Cross of Woodford  
Church  
Churchill  
Davis of McLean  
Deitz  
Dement  
Dunlap  
Dunn  
Dunsmore  
Edwards of Sangamon  
Eccles  
Edmonson  
Evey  
Graham

Mr. Geddes  
Green of Clay  
Green of Jo Daviess  
Harlan  
Harper  
Hatch  
Hay  
Henderson  
Hill  
Hoes  
Hogue  
Holmes  
James  
Knapp of Jersey  
Knapp of Scott  
Kreider  
Kinney of Bureau  
Kitchell  
Knowlton  
Knox  
Lander  
Lasater  
Linley  
Loudon  
McCully  
McClure  
Manly  
Markley  
Marshall of Coles  
Marshall of Mason  
Mason  
Mieure  
Moffett  
Morris

Mr. Nichols  
Northcott  
Oliver  
Pace  
Palmer of Macoupin  
Pratt  
Peters  
Rives  
Robbins  
Robinson  
Rountree  
Scates  
Sharpe  
Stadden  
Shields  
Spencer  
Sherman  
Sibley  
Sim  
Simpson  
Smith of Macon  
Shumway  
Thomas  
Thornton  
Turnbull  
Tutt  
Vance  
Webber  
West  
Williams  
Witt  
Whiteside  
Woodson  
Worcester.



The question was taken on concurring with the committee of the whole in the amendment made to the 20th section, together with the additional section, and decided in the affirmative.

Mr. Cross of Winnebago moved to amend the 20th section, as amended, by striking out the words "forty-two," and inserting in lieu thereof the word "sixty."

A division of the question being called for,

The question was taken, by yeas and nays, on striking out,

And decided in the negative,	{ Yeas,	:	:	:	:	59
	{ Nays,	:	:	:	:	74

Those voting in the affirmative, are,

Mr. Adams  
Anderson  
Armstrong  
Bosbyshell  
Brown  
Bunsen  
Canady  
Choate

Mr. Cross of Winnebago  
Cloud  
Church  
Churchill  
Davis of McLean  
Deitz  
Dunlap  
Green of Clay

Mr. Green of Jo Daviess  
Gregg  
Harper  
Hatch  
Hay  
Heacock  
Henderson  
Hill



Mr. Hoes	Mr. Marshall of Mason	Mr. Sibley
Holmes	Mason	Singleton
Hurlbut	Mieure	Smith of Macon
Judd	Palmer of Marshall	Thomas
Knapp of Jersey	Pratt	Turnbull
Knapp of Scott	Pinckney	Turner
Kinney of Bureau	Roman	Tuttle
Lander	Sharpe	Webber
Lockwood	Stadden	West
Logan	Swan	Whitney
McCallen	Sherman	Worcester.
McClure	Servant	

Those voting in the negative, are,

Mr. Akin	Mr. Edmonson	Mr. Nichols
Allen	Evey	Northcott
Atherton	Graham	Oliver
Blair	Geddes	Pace
Blakely	Harlan	Palmer of Macoupin
Brockman	Harvey	Peters
Bond	Hayes	Rives
Butler	Hogue	Robbins
Crain	James	Robinson
Caldwell	Kreider	Rountree
Campbell of McDonough	Kenner	Scates
Carter	Kitchell	Shields
F. S. Casey	Knowlton	Spencer
Z. Casey	Knox	Sim
Colby	Lasater	Simpson
Constable	Lemon	Smith of Gallatin
Cross of Woodford	Linley	Shumway
Davis of Massac	Loudon	Thornton
Dawson	McCully	Tutt
Dement	Manly	Vance
Dunn	Markley	Williams
Dunsmore	Marshall of Coles	Witt
Edwards of Madison	Miller	Whiteside
Edwards of Sangamon	Moffet	Woodson.
Eccles	Morris	

Mr. Pratt moved to amend the same section by striking out the word "two," and by inserting in lieu thereof the word "three."

A division being called for.

The question was taken, by yeas and nays, on striking out,

And decided in the negative,	{ Yeas,	:	:	:	:	48
	{ Nays,	:	:	:	:	85

Those voting in the affirmative, are,

Mr. Adams	Mr. Davis of Massac	Mr. Heacock
Anderson	Dement	Henderson
Armstrong	Dunlap	Hill
Brown	Dunn	Holmes
Canady	Green of Jo Daviess	Hurlbut
Colby	Gregg	Knapp of Jersey
Cross of Winnebago	Harper	Kenner
Cloud	Hatch	Kinney of Bureau
Church	Hay	Lockwood
Churchill	Hayes	McCallen



Mr. McClure  
Marshall of Mason  
Mason  
Miller  
Northcott  
Palmer of Macoupin

Mr. Pratt  
Pinckney  
Roman  
Sharpe  
Swan  
Sherman

Mr. Servant  
Sibley  
Thomas  
Turnbull  
Webber  
Whitney.

Those voting in the negative, are,

Mr. Akin  
Allen  
Atherton  
Blair  
Blakely  
Brockman  
Bond  
Bosbyshell  
Bunsen  
Butler  
Crain  
Caldwell  
Campbell of McDonough  
Carter  
F. S. Casey  
Z. Casey  
Choate  
Constable  
Cross of Woodford  
Davis of McLean  
Dawson  
Deitz  
Dunsmore  
Edwards of Madison  
Edwards of Sangamon  
Eccles  
Edmonson  
Evey  
Graham

Mr. Geddes  
Green of Clay  
Harlan  
Harvey  
Hoes  
Hogue  
James  
Judd  
Knapp of Scott  
Kreider  
Kitchell  
Knowlton  
Knox  
Lander  
Lasater  
Lemon  
Linley  
Logan  
Loudon  
McCully  
Manly  
Markley  
Marshall of Coles  
Mieure  
Moffett  
Morris  
Nichols  
Oliver

Mr. Pace  
Palmer of Marshall  
Peters  
Rives  
Robbins  
Robinson  
Rountree  
Scates  
Stadden  
Shields  
Spencer  
Sim  
Simpson  
Singleton  
Smith of Gallatin  
Smith of Macon  
Shunway  
Thornton  
Turner  
Tutt  
Tuttle  
Vance  
West  
Williams  
Witt  
Whiteside  
Woodson  
Worcester.

Mr. Singleton moved to amend the 20th section by striking out all after the words "per day," in the first line, to the first word "for," in the second line, together with the word "thereafter," in the second line.

The question was taken, by yeas and nays, on the amendment,

And decided in the negative,	{ Yeas,	:	:	:	:	52
	{ Nays,	:	:	:	:	77

Those voting in the affirmative, are,

Mr. Adams  
Anderson  
Armstrong  
Blair  
Brockman  
Bond  
Brown  
Colby  
Cross of Winnebago  
Cloud  
Church  
Churchill

Mr. Davis of McLean  
Davis of Massac  
Deitz  
Dunlap  
Dunn  
Dunsmore  
Geddes  
Green of Jo Daviess  
Gregg  
Harper  
Hatch  
Heacock

Mr. Henderson  
Hill  
Hoes  
Holmes  
Hurlbut  
Judd  
Knapp of Jersey  
Kinney of Bureau  
Lander  
Lockwood  
McCallen  
McClure



Mr. Marshall of Mason  
Mason  
Pratt  
Pinckney  
Roman  
Sharpe

Mr. Sladden  
Swan  
Sherman  
Servant  
Sibley

Mr. Singleton  
Thomas  
Turnbull  
Webber  
Whitney.

Those voting in the negative, are,

Mr. Akin  
Allen  
Atherton  
Blakely  
Bosbyshell  
Bunsen  
Butler  
Crain  
Canady  
Caldwell  
Campbell of McDonough  
Carter  
F. S. Casey  
Z. Casey  
Choate  
Constable  
Cross of Woodford  
Dawson  
Dement  
Edwards of Madison  
Edwards of Sangamon  
Eccles  
Edmonson  
Evey  
Graham  
Green of Clay

Mr. Harlan  
Harvey  
Hay  
Hogue  
James  
Knapp of Scott  
Kreider  
Kenner  
Kitchell  
Knowlton  
Knox  
Lasater  
Lemon  
Linley  
Louden  
McCully  
Manly  
Markley  
Marshall of Coles  
Mieure  
Miller  
Moffett  
Morris  
Nichols  
Northcott  
Oliver

Mr. Pace  
Palmer of Macoupin  
Palmer of Marshall  
Peters  
Rives  
Robbins  
Robinson  
Rountree  
Scates  
Shields  
Spencer  
Sim  
Simpson  
Smith of Gallatin  
Shumway  
Thornton  
Turner  
Tutt  
Tuttle  
Vance  
Williams  
Witt  
Whiteside  
Woodson  
Worcester.

Mr. Kenner moved to amend the 20th section by inserting after the word "dollars," in the first line, the words "and fifty cents."

The question was taken, by yeas and nays, on the amendment,

And decided in the negative,	{ Yeas,	:	:	:	44
	{ Nays,	:	:	:	85

Those voting in the affirmative, are,

Mr. Adams  
Blair  
Blakely  
Brown  
Canady  
Colby  
Cross of Winnebago  
Cloud  
Church  
Churchill  
Deitz  
Dement  
Dunlap  
Dunn  
Dunsmore

Mr. Green of Jo Daviess  
Hatch  
Hay  
Heacock  
Henderson  
Hill  
Holmes  
Hurlbut  
Knapp of Jersey  
Knapp of Scott  
Kenner  
Kinney of Bureau  
Lockwood  
McCallen  
McClure

Mr. Marshall of Mason  
Mason  
Moffett  
Morris  
Northcott  
Pace  
Palmer of Macoupin  
Pratt  
Roman  
Sharpe  
Swan  
Turnbull  
Webber  
Whitney.



Those who voted in the negative, are,

Mr. Akin	Mr. Gregg	Mr. Pinckney
Allen	Harlan	Rives
Anderson	Harper	Robbins
Atherton	Harvey	Robinson
Brockman	Hayes	Rountree
Bond	Hogue	Scates
Bosbyshell	James	Stadden
Bunsen	Judd	Shields
Butler	Kreider	Spencer
Crain	Kitchell	Sherman
Caldwell	Knowlton	Servant
Campbell of McDonough	Knox	Sibley
Carter	Lander	Sim
F. S. Casey	Lasater	Simpson
Z. Casey	Lemon	Singleton
Choate	Linley	Smith of Gallatin
Constable	Logan	Shumway
Cross of Woodford	Loudon	Thomas
Davis of McLean	McCully	Thornton
Davis of Massac	Manly	Turner
Dawson	Markley	Tuttle
Edwards of Madison	Marshall of Coles	Vance
Edwards of Sangamon	Mieure	West
Eccles	Miller	Williams
Edmonson	Nichols	Witt
Evey	Oliver	Whiteside
Graham	Palmer of Marshall	Woodson
Geddes	Peters	Worcester.
Green of Clay		

Mr. Cross of Winnebago moved to amend the same section by striking out the word "dollars," wherever the word occurs, and by inserting in lieu thereof the word "cents."

On motion of Mr. Campbell of McDonough,

The motion was laid on the table.

Mr. McCallen moved to amend the same section by striking out the word "ten," and by inserting in lieu thereof the words "two and a half."

On motion of Mr. Akin,

The motion was laid on the table.

Mr. Servant moved to amend the same section by striking out the first word "two," and to insert in lieu thereof the word "one."

On motion of Mr. Akin,

The motion was laid on the table,	{ Yeas,	:	:	:	97
	{ Nays,	:	:	:	32

Those voting in the affirmative, are,

Mr. Adams	Mr. Bunsen	Mr. Deitz
Akin	Butler	Dement
Allen	Crain	Dunlap
Anderson	Canady	Dunn
Atherton	Carter	Dunsmore
Blair	F. S. Casey	Edwards of Sangamon
Blakely	Z. Casey	Eccles
Brockman	Choate	Edmonson
Bond	Cross of Woodford	Evey
Bosbyshell	Cloud	Graham



Mr. Green of Clay	Mr. Lockwood	Mr. Rountree
Green of Jo Daviess	Logan	Scates
Harlan	McCully	Sharpe
Harper	McClure	Stadden
Harvey	Manly	Shields
Hatch	Markley	Spencer
Hay	Marshall of Coles	Sherman
Hayes	Marshall of Mason	Sibley
Heacock	Mieure	Sim
Henderson	Miller	Simpson
Hill	Moffett	Smith of Macon
Hoes	Morris	Shumway
Hogue	Nichols	Thornton
James	Northcott	Turnbull
Knapp of Scott	Oliver	Turner
Kreider	Pace	Tutt
Kennerly	Palmer of Macoupin	Webber
Kitchell	Palmer of Marshall	West
Knowlton	Pratt	Williams
Knox	Peters	Witt
Lasater	Robbins	Woodson
Lemon	Robinson	Worcester.
Linley		

Those voting in the negative, are,

Mr. Armstrong	Mr. Dawson	Mr. Pinckney
Brown	Edwards of Madison	Rives
Caldwell	Geddes	Swan
Campbell of McDonough	Gregg	Servant
Colby	Holmes	Singleton
Constable	Hurlbut	Smith of Gallatin
Cross of Winnebago	Knapp of Jersey	Thomas
Church	Lander	Tuttle
Churchill	Loudon	Vance
Davis of McLean	McCallen	Whitney.
Davis of Massac	Mason	

Mr. McCallen moved to strike out the whole section.

On motion of Mr. Akin,

The motion was laid on the table.

Mr. Thomas moved to strike out the whole section, as amended, and to insert in lieu thereof the words "the sessions of the general assembly shall be limited to forty-two days, and the compensation of the members shall be two dollars per day for each day's attendance, and ten cents per mile for travelling in going to and returning from the seat of government."

On motion of Mr. Akin,

The motion was laid on the table.

On motion of Mr. Adams,

The previous question was ordered.

The question was taken, by yeas and nays, on the adoption of the 20th section, as amended,

And decided in the affirmative,	{Yeas,	:	:	:	:	93
	{Nays,	:	:	:	:	35



Those voting in the affirmative, are,

Mr. Adams	Mr. Eccles	Mr. Nichols
Akin	Edmonson	Northcott
Allen	Evey	Oliver
Atherton	Graham	Pace
Blair	Geddes	Palmer of Marshall
Blakely	Green of Clay	Peters
Brockman	Harlan	Rives
Bond	Harper	Robbins
Bosbyshell	Harvey	Robinson
Bunsen	Hatch	Rountree
Butler	Hayes	Scates
Crain	Hogue	Sharpe
Caldwell	James	Shields
Campbell of McDonough	Judd	Spencer
Carter	Knapp of Scott	Servant
F. S. Casey	Kreider	Sim
Z. Casey	Kenner	Simpson
Choate	Kitchell	Smith of Gallatin
Constable	Knowlton	Smith of Macon
Cross of Winnebago	Knox	Shumway
Cross of Woodford	Lasater	Thornton
Cloud	Lemon	Turner
Davis of McLean	Linley	Tutt
Davis of Massac	Logan	Tuttle
Dawson	Manly	Webber
Deitz	Markley	West
Dement	Marshall of Coles	Williams
Dunlap	Marshall of Mason	Witt
Dunn	Mieure	Whiteside
Dunsmore	Moffett	Woodson
Edwards of Madison	Morris	Worcester.
Edwards of Sangamon		

Those voting in the negative, are,

Mr. Anderson	Mr. Hoes	Mr. Palmer of Macoupin
Armstrong	Holmes	Pinckney
Brown	Hurlbut	Roman
Canady	Knapp of Jersey	Stadden
Colby	Lander	Swan
Church	Lockwood	Sherman
Churchill	Loudon	Sibley
Green of Jo Daviess	McCallen	Singleton
Gregg	McCully	Thomas
Heacock	McClure	Turnbull
Henderson	Mason	Vance
Hill	Miller	Whitney.

Mr. Vance offered the following as an additional section:

"SEC. — After the year 1860 the general assembly may raise the per diem pay of members of the legislature to any sum not over three dollars per day."

The question was taken, and the proposed section rejected.

Mr. Robbins moved to amend the amendment made to the 21st section by inserting after the word "assembly," the words "nor be elected to any office of profit or trust in this state."

The question was taken, and the amendment adopted.



Mr. Shields moved to amend the same amendment by inserting the word "due," after the word "sums," in the sixth line.

The question was taken, and the amendment rejected.

Mr. Thomas moved to amend the same amendment by striking out the words "shall have," in the fourth line, and by inserting in lieu thereof the words "be eligible to."

The question was taken, and the amendment adopted.

The question was taken on concurring with the committee of the whole, in the amendment made to the 21st section, as amended, and decided in the affirmative.

The question was taken on the adoption of the 21st section, as amended, and decided in the affirmative.

The question was taken on concurring in the amendment made to the 22d section, by the committee of the whole, and decided in the affirmative.

Mr. Akin moved that the 22d section be further amended by adding thereto the following:

"Nor shall any member of this convention be eligible to any office created by this constitution at the first election after its ratification."

Mr. Edwards of Sangamon moved to amend the amendment by substituting therefor the following:

"No person elected to the legislature shall receive any civil appointment within this state, or to the senate of the United States, from the governor, the governor and senate, or from the legislature, during the term for which he shall have been elected; and all such appointments, and all such votes given for any such member, for any such office or appointments, shall be void."

On motion,

The convention adjourned.

SATURDAY, AUGUST 7, 1847.

The convention met pursuant to adjournment.

The journal of yesterday was read.

On motion of Mr. West,

The rules were suspended, when he offered the following preamble and resolutions; which were unanimously adopted:

Whereas, we have just learned, with deep and poignant regret, the death of Captain Franklin Niles, of the 5th regiment of Illinois volunteers, which occurred on the 24th day of July last, whilst on his way to Mexico, in command of a company of volunteers from Madison county; therefore,

*Resolved*, That we sincerely mourn and deeply regret the death of our fellow-citizen Capt. Franklin Niles, of the 5th regiment Illinois volunteers.

*Resolved*, That in the death of Capt. Niles, the volunteer army of the United States, has sustained the loss of a brave and accomplished officer; our state one of its noblest and deserving sons, the community one of its



brightest ornaments, and his family and friends one who was endeared to them by every feeling and sentiment of love and esteem.

*Resolved*, That we cordially sympathize with the 5th regiment Illinois volunteers, and the company under his command, and with the friends and family of the deceased, who, by this afflicting dispensation of Almighty God, have sustained a loss which neither the honors of the world or the sympathies of friends can deprive of its bitterness.

*Resolved*, That the secretary furnish a copy of the above resolutions to the 5th regiment Illinois volunteers, and the family of the deceased.

The question pending when the convention adjourned on yesterday, was upon the adoption of the substitute proposed by Mr. Edwards of Sangamon for the amendment offered by Mr. Akin to the 22d section of the report of the committee on the Legislative Department, as amended in committee of the whole.

The question was taken, by yeas and nays,

And decided in the affirmative,	{ Yeas,	: . . . .	90
	{ Nays,	: . . . .	29

Those voting in the affirmative, are,

Mr. Adams	Mr. Hatch	Mr. Palmer of Marshall
Anderson	Hay	Peters
Bond	Hayes	Pinckney
Brown	Heacock	Rives
Bunsen	Hill	Robbins
Butler	Hogue	Robinson
Crain	Holmes	Roman
Campbell of McDonough	Hurlbut	Rountree
Choate	James	Sharpe
Constable	Judd	Swan
Cross of Winnebago	Knapp of Jersey	Shields
Cross of Woodford	Knapp of Scott	Spencer
Church	Kenner	Sherman
Churchill	Kinney of St. Clair	Sibley
Davis of McLean	Kitchell	Sim
Dawson	Knowlton	Smith of Macon
Deitz	Knox	Shumway
Dunsmore	Lander	Thomas
Edwards of Madison	Lemon	Thornton
Edwards of Sangamon	Lockwood	Turnbull
Eccles	McCallen	Turner
Edmonson	McCully	Tutt
Evey	Manly	Vance
Graham	Marshall of Coles	West
Geddes	Mason	Williams
Green of Clay	Mieure	Witt
Green of Jo Daviess	Miller	Whiteside
Harlan	Moffett	Whitney
Harper	Northcott	Woodson
Harvey	Palmer of Macoupin	Worcester.

Those voting in the negative, are,

Mr. Akin	Mr. Brockman	Mr. Colby
Allen	Carter	Cloud
Armstrong	F. S. Casey	Dement
Blair	Z. Casey	Dunlap



Mr. Dunn  
Dunlap  
Farwell  
Gregg  
Henderson  
Kreider

Mr. Lasater  
Linley  
McClure  
Markley  
Marshall of Mason  
Oliver

Mr. Pratt  
Scates  
Stadden  
Simpson  
Smith of Gallatin  
Webber.

Mr. Scates moved to amend the amendment by striking out the words "or to the Senate of the United States."

The question was taken, and decided in the negative.

The question was taken on the adoption of the amendment, as amended, and decided in the affirmative.

Mr. Lockwood moved to amend the 22d section by adding thereto the following:

"Nor shall any member of the General Assembly be interested, either directly or indirectly, in any contest with the state, or any county thereof, authorized by any law passed during the time for which he shall have been elected, or during one year after the expiration thereof."

Mr. Akin moved to amend the amendment by substituting therefor the following:

"Nor shall any member of this convention be eligible to any office created by this constitution at the first election after its ratification."

On motion of Mr. Constable,

The substitute was laid on the table, { Yeas, . . . . 81  
Nays, . . . . 41

Those voting in the affirmative, are,

Mr. Adams  
Anderson  
Atherton  
Blair  
Brockman  
Bond  
Bunsen  
Butler  
Canady  
F. S. Casey  
Constable  
Cross of Winnebago  
Cloud  
Church  
Churchill  
Davis of McLean  
Deitz  
Dunn  
Dunsmore  
Edwards of Madison  
Edwards of Sangamon  
Eccles  
Edmonson  
Evey  
Graham  
Geddes  
Green of Clay

Mr. Green of Jo Daviess  
Harlan  
Harper  
Harvey  
Hatch  
Hayes  
Heacock  
Hill  
Hogue  
Hurlbut  
James  
Judd  
Knapp of Jersey  
Knapp of Scott  
Kenner  
Kitchell  
Knowlton  
Knox  
Lander  
Lemon  
Linley  
Lockwood  
Logan  
McCallen  
McCully  
McClure  
Manly

Mr. Marshall of Mason  
Mason  
Moffett  
Northcott  
Palmer of Macoupin  
Palmer of Marshall  
Peters  
Pinckney  
Robinson  
Rountree  
Swan  
Shields  
Spencer  
Servant  
Sibley  
Shumway  
Thomas  
Turnbull  
Turner  
Vance  
Webber  
West  
Williams  
Witt  
Whitney  
Woodson  
Worcester.



Those voting in the negative, are,

Mr. Akin  
Allen  
Armstrong  
Brown  
Crain  
Caldwell  
Carter  
Zadok Casey  
Choate  
Colby  
Cross of Woodford  
Dement  
Dunlap  
Farwell

Mr. Gregg  
Hay  
Henderson  
Holmes  
Kreider  
Kinney of St. Clair  
Lasater  
Markley  
Marshall of Coles  
Miller  
Nichols  
Oliver  
Pratt  
Rives

Mr. Robbins  
Roman  
Scates  
Sharpe  
Stadden  
Sherman  
Sim  
Simpson  
Smith of Gallatin  
Smith of Macon  
Thornton  
Tutt  
Whiteside.

The question was taken on the adoption of the amendment, and decided in the affirmative.

Mr. Pratt moved to amend the 22d section, as amended, by adding thereto the following:

"Any person who may hereafter be elected by the people to fill any office in this state, and who shall accept the same, shall be ineligible to any other office within the gift of the people during the period for which he may have been elected."

On motion of Mr. Knowlton,

The amendment was laid on the table.

The question was taken on the adoption of the section as amended, and decided in the affirmative.

The question was taken on concurring with the committee of the whole, in the amendments made to the 23d section, and decided in the affirmative.

Mr. Caldwell moved to amend the 23d section, as amended, by adding thereto the following:

"SEC. —. The general assembly shall be forever prohibited from passing any private, special or general law, renewing or extending, or in any wise creating or authorizing the exercise of banking powers or privileges; *Provided*, that the foregoing section shall be submitted as a separate question to the people, and if the same be adopted by a majority of the votes cast for and against the constitution, then the same shall become a part of this constitution, and supersede all other provisions herein to the contrary."

Mr. Smith of Macon moved to lay the proposed amendment on the table.

On motion of Mr. Caldwell,

A call of the convention was ordered;

When it appeared that the following members were absent, viz:

Messrs. Archer, Ballingall, Bond, Campbell of Jo Daviess, Dale, Davis of Montgomery, Dummer, Frick, Green of Tazewell, Grimshaw, Harding, Hawley, Hunsaker, Huston, Jackson, Jenkins, Jones, Kinney of Bureau, Kinney of St. Clair, Laughlin, McHatton, Matheny, Minshall, Moore, Norton, Powers, Thompson, Trower, Tuttle, Vernor, Wead—31.

A quorum being present,



On motion of Mr. Constable,

Further proceedings under the call were dispensed with.

The question was taken, by yeas and nays, on laying the proposed amendment on the table,

And decided in the negative,	{ Yeas,	:	:	:	:	65
	{ Nays,	:	:	:	:	66

Those voting in the affirmative, are,

<b>Mr. Adams</b>	<b>Mr. Green of Jo Daviess</b>	<b>Mr. Marshall of Mason</b>
Anderson	Harlan	Mason
Blakely	Harper	Mieure
Canady	Harvey	Miller
Choate	Hay	Northcott
Constable	Heacock	Palmer of Marshall
Cross of Winnebago	Holmes	Pinckney
Church	Hurlbut	Rives
Churchill	Judd	Swan
Davis of McLean	Knapp of Jersey	Spencer
Dawson	Knapp of Scott	Sherman
Detz	Kenner	Servant
Dunlap	Knowlton	Sibley
Dunn	Knox	Smith of Macon
Dunsmore	Lander	Thomas
Edwards of Madison	Lemon	Thornton
Edwards of Sangamon	Lockwood	Turnbull
Eccles	Logan	Turner
Edmonson	Loudon	Vance
Graham	McCallen	Whitney
Geddes	McClure	Woodson.
Green of Clay	Marshall of Coles	

Those voting in the negative, are,

<b>Mr. Akin</b>	<b>Mr. Evey</b>	<b>Mr. Palmer of Macoupin</b>
Allen	Farwell	Pratt
Armstrong	Gregg	Robbins
Atherton	Hauch	Robinson
Blair	Hayes	Roman
Brockman	Henderson	Rountree
Bond	Hill	Scates
Bosbyshell	Hoes	Sharpe
Brown	Hogue	Stadden
Bunsen	James	Shields
Butler	Kreider	Sim
Crain	Kinney of St. Clair	Simpson
Caldwell	Lasater	Singleton
Campbell of McDonough	Linley	Smith of Gallatin
Carter	McCully	Shumway
F. S. Casey	Manly	Tutt
Z. Casey	Markley	Webber
Colby	Moffett	West
Cross of Woodford	Morris	Williams
Cloud	Nichols	Witt
Davis of Massac	Oliver	Whiteside
Dement	Pace	Worcester.



Mr. Geddes moved to amend the amendment by inserting the following immediately before the proviso:

"The legislature shall pass laws imposing adequate penalties on the circulation of the paper of banks located out of this state, and making void all contracts the consideration of which is the paper of such banks, and all payments made in the notes of such banks.

Mr. Edwards of Sangamon moved to refer the amendment and the amendment thereto to the committee on Incorporations.

Mr. Kinney of St. Clair moved the previous question.

The question was taken, and the convention refused to order the main question.

On motion,

The convention adjourned.



MONDAY, August 9, 1847.

The convention having assembled pursuant to adjournment, it was called to order by Mr. Z. Casey, who took the chair in the absence of the president, and at his request.

Prayer by Rev. Mr. Palmer of Marshall, a member.

The journal of Saturday was read.

The question pending when the convention adjourned on Saturday, was on the motion made by Mr. N. W. Edwards to refer the amendment offered to the 23d section of the report of the committee on the Legislative Department, as amended in committee of the whole, together with the amendment offered thereto by Mr. Geddes, to the committee on Incorporations.

On motion of Mr. Eccles,

A call of the convention was ordered.

The call was proceeded in for some time, when,

Mr. Markley moved to dispense with further proceedings under the call.

The question was taken, and decided in the negative.

Pending the call,

On motion of Mr. Roman,

Leave of absence was granted to Mr. W. C. Kinney for eight days.

On motion of Mr. Worcester,

Leave of absence was granted to Mr. Woodson for eight days, in consequence of sickness.

On motion of Mr. Sharpe,

Leave of absence was granted to Mr. Choate for eight days.

On motion of Mr. Thornton,

Leave of absence was granted to Mr. Evey for three days.

On motion of Mr. Whitney,

Leave of absence was granted to Mr. Jenkins for two days.

On motion of Mr. Rountree,

Leave of absence was granted to Mr. J. M. Davis for two days.



On motion of Mr. Dawson,

The absentees were called, in order to receive their excuses.

On motion of Mr. A. R. Knapp,

Mr. Dale was excused in consequence of sickness.

On motion of Mr. W. B. Green,

Mr. T. Campbell was excused in consequence of sickness.

On motion of Mr. Holmes,

Mr. H. R. Green was excused in consequence of sickness.

On motion of Mr. Pratt,

Mr. Singleton was excused in consequence of illness.

The absentees not having leave of absence, or excused in consequence of sickness, are,

Messrs. Ballingall, Bond, Brown, Constable, C. Edwards, Logan, Northcott, Peters, and Mr. President—9.

On motion of Mr. Caldwell,

Further proceedings under the call were dispensed with.

Mr. Caldwell moved to refer the amendment, and the amendment thereto, to a select committee of nine.

Mr. J. M. Palmer called for a division, so as to vote first on referring the amendment to the amendment.

The question was taken, and the convention refused to divide the question.

The question was then taken, by yeas and nays, on referring the amendment and the amendment offered thereto, to the committee on Incorporations,

And decided in the negative,	{Yeas,	:	:	:	:	63
	{Nays,	:	:	:	:	77

Those voting in the affirmative, are,

Mr. Adams  
Anderson  
Blakely  
Canady  
Church  
Churchill  
R. J. Cross  
D. Davis  
Dawson  
Deitz  
Dunlap  
Dunsmore  
Eccles  
C. Edwards  
N. W. Edwards  
Frick  
Graham  
Geddes  
Harding  
Harlan  
Harper

Mr. Hay  
Heacock  
Holmes  
Hurlbut  
Jackson  
Judd  
Kenner  
A. R. Knapp  
N. M. Knapp  
Knowlton  
Knox  
Lander  
Lemon  
Lockwood  
McCallen  
F. S. D. Marshall  
T. A. Marshall  
Mason  
Matheny  
Mieure  
Miller

Mr. Minshall  
H. D. Palmer  
Pinckney  
Rives  
Robbins  
Servant  
Sherman  
Shields  
Sibley  
E. O. Smith  
Spencer  
Swan  
Thomas  
Thornton  
Trower  
Turnbull  
Turner  
Tuttle  
Vance  
West  
Whitney.



Those voting in the negative, are,

Mr. Akin	Mr. W. B. Green	Mr. Nichols
Allen	Gregg	Oliver
Armstrong	Harvey	Pace
Atherton	Hatch	J. M. Palmer
Blair	Hawley]	Peters
Bond	Hayes	Powers
Bosbyshell	Henderson	Pratt
Brockman	Hill	Robinson
Brown	Hoes	Roman
Bunsen	Hogue	Rountree
Butler	Huston	Scates
Caldwell	James	Sharpe
J. M. Campbell	Kitchell	Shumway
Carter	Kreider	Sim
F. S. Casey	Lasater	Simpson
Z. Casey	Laughlin	Singleton
Colby	Linley	J. Smith
Constable	Loudon	Stadden
Crain	McCully	Thompson
S. J. Cross	McClure	Tutt
T. G. C. Davis	McHatton	Webber
Dement	Manly	Williams
Dunn	Markley	Witt
Edmonson	Moffett	Whiteside
Farwell	Moore	Worcester.
P. Green	Morris	

The question was then taken, by yeas and nays, on referring the amendment to a select committee of nine,

And decided in the affirmative,	{ Yeas,	:	:	:	:	71
	{ Nays,	:	:	:	:	67

Those voting in the affirmative, are,

Mr. Akin	Mr. Farwell	Mr. Moore
Allen	Frick	Morris
Armstrong	Geddes	Nichols
Atherton	P. Green	Oliver
Blair	Gregg	Pace
Bond	Hayes	H. D. Palmer
Bosbyshell	Henderson }	J. M. Palmer
Brockman	Hill	Peters
Brown	Hoes	Pratt
Bunsen	Huston	Robinson
Butler	Jackson	Rountree
Caldwell	James	Scates
J. M. Campbell	Kitchell	Sharpe
Carter	Kreider	Shumway
F. S. Casey	Lasater	Simpson
Z. Casey	Laughlin	J. Smith
Churchill	Linley	Stadden
Colby	Lockwood	Thompson
Constable	McCallen	Tutt
Crain	McCully	Webber
S. J. Cross	McClure	Williams
T. G. C. Davis	Markley	Whiteside
Dunn	Mason	Woodson.
N. W. Edwards	Moffett	



Those voting in the negative, are,

Mr. Adams	Mr. Hay	Mr. Powers
Anderson	Heacock	Rives
Blakely	Hogue	Robbins
Canady	Holmes	Servant
Church	Hurlbut	Sherman
R. J. Cross	Judd	Shields
D. Davis	Kenner	Sibley
Dawson	A. R. Knapp	Sim
Deitz	N. M. Knapp	Singleton
Dement	Knowlton	E. O. Smith
Dunlap	Knox	Spencer
Dunsmore	Lander	Swan
Eccles	Lemon	Thomas
Edmonson	Loudon	Thornton
C. Edwards	Manly	Trower
Graham	F. S. D. Marshall	Turnbull
W. B. Green	T. A. Marshall	Turner
Harding	Matheny	Tuttle
Harlan	Mieure	Vance
Harper	Miller	West
Harvey	Minshall	Witt
Hatch	Pinckney	Whitney.
Hawley		

On motion of Mr. N. W. Edwards,

The vote last taken was reconsidered, when,

Mr. Caldwell withdrew his motion to refer the amendments to a select committee, and also withdrew his amendment.

Mr. Caldwell offered the following as an amendment to the 23d section, as amended:

"SEC. —. The general assembly shall be forever prohibited from passing any private, special, or general law, renewing, extending, or in anywise creating or authorizing the exercise of banking powers or privileges within this state; *Provided*, that this clause be submitted as a separate section to the people at the election held for the adoption of this constitution; and if such clause as a separate section shall be adopted by a majority of the votes cast for and against it, then the same shall become a part of this constitution, and supersede all provisions in this constitution to the contrary, otherwise to be void."

Mr. Caldwell moved that the main question be now put.

The question was taken, by yeas and nays, on ordering the main question,

And decided in the negative,	{ Yeas,	:	:	:	:	65
	{ Nays,	:	:	:	:	74

Those voting in the affirmative, are,

Mr. Akin	Mr. Brown	Mr. Z. Casey
Allen	Bunsen	Colby
Armstrong	Butler	Constable
Atherton	Caldwell	Crain
Blair	J. M. Campbell	S. J. Cross
Bosbyshell	Carter	T. G. C. Davis
Brockman	F. S. Casey	Dement



Mr. Farwell  
Frick  
Gregg  
Hayes  
Henderson  
Hill  
Hoes  
Hogue  
Huston  
James  
Kitchell  
Kreider  
Lasater  
Laughlin  
Linley

Mr. McCully  
McClure  
McHatton  
Markley  
Moffett  
Moore  
Morris  
Nichols  
Oliver  
Pace  
J. M. Palmer  
Peters  
Powers  
Pratt  
Robinson

Mr. Roman  
Rountree  
Scates  
Sharpe  
Sim  
Simpson  
J. Smith  
Stadden  
Thompson  
Tutt  
Webber  
Witt  
Whiteside  
Worcester.

Those voting in the negative, are,

Mr. Adams  
Anderson  
Blakely  
Canady  
Church  
Churchill  
R. J. Cross  
D. Davis  
Dawson  
Deitz  
Dunlap  
Dunsmore  
Eccles  
Edmonson  
C. Edwards  
N. W. Edwards  
Graham  
Geddes  
P. Green  
W. B. Green  
Harding  
Harlan  
Harper  
Harvey  
Hatch

Mr. Hawley  
Hay  
Heacock  
Holmes  
Hurlbut  
Jackson  
Judd  
Kenner  
A. R. Knapp  
N. M. Knapp  
Knowlton  
Knox  
Lander  
Lemon  
Lockwood  
Logan  
Loudon  
McCallen  
Manly  
F. S. D. Marshall  
T. A. Marshall  
Mason  
Matheny  
Mieure  
Miller

Mr. Minshall  
H. D. Palmer  
Pinckney  
Rives  
Robbins  
Servant  
Sherman  
Shields  
Shumway  
Sibley  
Singleton  
E. O. Smith  
Spencer  
Swan  
Thomas  
Thornton  
Trower  
Turnbull  
Turner  
Tuttle  
Vance  
West  
Williams  
Whitney.

Mr. Geddes moved to amend the amendment by inserting before the proviso the following:

“The legislature shall pass laws imposing adequate penalties on the circulation of the paper of banks located out of this state, and making void all contracts, the consideration of which is the paper of such banks, and all payments made in the notes of such banks.”

On motion of Mr. Adams,

The main question was ordered, when,  
Mr. Caldwell withdrew the amendment.

The question was then taken on the adoption of the 23d section, as amended, and decided in the affirmative.

Mr. Williams moved to amend the 24th section by adding thereto the following:

“No banking powers or privileges shall be granted either by general or special acts of incorporation. All contracts, the consideration of



which is the paper of banks located out of this state, and all payments made in the notes of such banks shall be absolutely void, and the legislature shall pass laws imposing adequate penalties on the circulation of the notes and paper of such banks within this state."

The foregoing clause shall be separately submitted to a vote of the people, and if voted for by a majority of all voting on the question, it shall be a part of the constitution and not otherwise.

Mr. Hayes moved to amend the amendment by substituting therefor the following:

"The question of "banking" shall be submitted to the people when they shall vote on the adoption of this constitution, and if the majority of those voting on the question shall vote for banking, then the general assembly may pass banking laws under the restrictions contained in this constitution, but if the majority voting on the question shall not vote for banking, then no person, corporation, or association of persons shall be allowed to manufacture or emit any paper intended to circulate as paper money."

The question was taken, by yeas and nays, on the adoption of the substitute,

And decided in the negative,	{ Yeas,	:	:	:	:	59
	{ Nays,	:	:	:	:	80

Those voting in the affirmative, are,

Mr. Akin  
Allen  
Armstrong  
Atherton  
Blair  
Bosbyshell  
Brockman  
Brown  
Bunsen  
Butler  
Caldwell  
J. M. Campbell  
Carter  
F. S. Casey  
Z. Casey  
Colby  
Crain  
S. J. Cross  
T. G. C. Davis  
Dement

Mr. Farwell  
Gregg  
Hatch  
Hawley  
Hayes  
Henderson  
Hill  
Hoes  
Hogue  
James  
Kitchell  
Kreider  
Lasater  
Laughlin  
Linley  
McCully  
McHatton  
Markley  
Moffett  
Moore

Mr. Morris  
Nichols  
Oliver  
Pace  
J. M. Palmer  
Powers  
Robinson  
Roman  
Rountree  
Scates  
Shumway  
Sim  
Simpson  
J. Smith  
Stadden  
Thompson  
Tutt  
Witt  
Worcester.

Those voting in the negative, are,

Mr. Adams  
Anderson  
Blakely  
Bond  
Canady  
Church  
Churchill  
Constable  
R. J. Cross

Mr. D. Davis  
Dawson  
Deitz  
Dunlap  
Dunn  
Dunsmore  
Eccles  
Edmonson  
C. Edwards

Mr. N. W. Edwards  
Frick  
Graham  
Geddes  
P. Green  
W. B. Green  
Harding  
Harlan  
Harper



Mr. Harvey  
Hay  
Heacock  
Hurlbut  
Huston  
Jackson  
Judd  
Kenner  
A. R. Knapp  
N. M. Knapp  
Knowlton  
Knox  
Lander  
Lemon  
Lockwood  
Loudon  
McCallen  
McClure

Mr. Manly  
F. S. D. Marshall  
T. A. Marshall  
Mason  
Matheny  
Mieure  
Miller  
Minshall  
Northcott  
H. D. Palmer  
Peters  
Pinckney  
Pratt  
Rives  
Robbins  
Servant  
Sharpe  
Sherman

Mr. Shields  
Sibley  
Singleton  
E. O. Smith  
Spencer  
Swan  
Thomas  
Thornton  
Trower  
Turnbull  
Turner  
Tuttle  
Vance  
Webber  
West  
Williams  
Whiteside  
Whitney.

On motion,

The question was taken on adjourning until three o'clock, P. M., and decided in the negative.

Mr. Caldwell proposed to amend the amendment by substituting therefor the following:

"SEC. —. The general assembly shall be forever prohibited from passing any private, special, or general laws, renewing, extending, or in anywise creating or authorising the increase of banking powers or privileges within this state; *Provided*, that this clause be submitted as a separate section to the people at the election held for the adoption of this constitution; and if such clause, as a separate section, shall be adopted by a majority of the votes cast for and against it, then the same shall become a part of this constitution, and supersede all provisions in this constitution to the contrary, otherwise to be void. The general assembly shall pass laws imposing adequate penalties on the circulation of the paper of banks located out of this state, and making void all contracts, the consideration of which is the paper of such banks, and all payments made in the notes of such banks; *Provided*, that this clause shall be submitted as a separate section to the people at the election held for the adoption of this constitution, and if such clause, as a separate section, shall be adopted by a majority of all voting for and against it, then the same shall become a part of this constitution, otherwise to be void."

Mr. Shields moved that the convention adjourn until three o'clock, P. M.

The question was taken, and decided in the negative.

On motion of Mr. Constable,

The previous question was ordered.

The question was taken, by yeas and nays, on agreeing to the substitute,

And decided in the negative,	{ Yeas,	:	:	:	:	56
	{ Nays,	:	:	:	:	85



Those voting in the affirmative, are,

Mr. Akin	Mr. T. G. C. Davis	Mr. Oliver
Allen	Dement	Pace
Armstrong	Farwell	J. M. Palmer
Atherton	Gregg	Powers
Blair	Hayes	Pratt
Bond	Henderson	Robinson
Bosbyshell	Hill	Roman
Brockman	Hoes	Rountree
Brown	James	Scates
Bunsen	Kreider	Sharpe
Butler	Lasater	Sim
Caldwell	Laughlin	Simpson
J. M. Campbell	Linley	J. Smith
Carter	McCully	Stadden
F. S. Casey	McHutton	Thompson
Z. Casey	Markley	Tutt
Colby	Moffett	Webber
Crain	Morris	Whiteside.
S. J. Cross	Nichols	

Those voting in the negative, are,

Mr. Adams	Mr. Hay	Mr. Moore
Anderson	Heacock	Northcott
Blakely	Hogue	H. D. Palmer
Canady	Holmes	Peters
Church	Hurlbut	Pinckney
Churchill	Huston	Rives
Constable	Jackson	Robbins
R. J. Cross	Judd	Servant
D. Davis	Kenner	Sherman
Dawson	Kitchell	Shields
Deitz	A. R. Knapp	Shumway
Dunlap	N. M. Knapp	Sibley
Dunn	Knowlton	Singleton
Dunsmore	Knox	E. O. Smith
Eccles	Lander	Spencer
Edmonson	Lemon	Swan
C. Edwards	Lockwood	Thomas
N. W. Edwards	Loudon	Thornton
Frick	McCallen	Trower
Graham	McClure	Turnbull
Geddes	Manly	Turner
P. Green	F. S. D. Marshall	Tuttle
W. B. Green	T. A. Marshall	Vance
Harding	Mason	West
Harlan	Matheny	Williams
Harper	Mieure	Witt
Harvey	Miller	Whitney.
Hatch	Minshall	Worcester.
Hawley		

The question recurred on adopting the amendment of Mr. Williams.

Mr. Caldwell called for a division, so as to vote separately on the first proposition.

The question was taken, and the convention refused to order a division.

The question was taken, by yeas and nays, on the amendment,

And decided in the negative,	{ Yeas,	:	:	:	:	68
	{ Nays,	:	:	:	:	72



Those voting in the affirmative, are,

Mr. Akin	Mr. Hawley	Mr. J. M. Palmer
Allen	Hayes	Peters
Bond	Henderson	Pinckney
Bosbyshell	Hill	Pratt
Brockman	James	Robinson
Brown	Knox	Roman
Bunsen	Kreider	Scates
Butler	Lasater	Sharpe
Caldwell	Linley	Sim
J. M. Campbell	Lockwood	Simpson
Carter	Loudon	J. Smith
F. S. Casey	McCully	Stadden
Z. Casey	McHatton	Swan
Churchill	Markley	Thompson
Colby	Matheny	Turner
Constable	Miller	Tutt
Crain	Moffett	Tuttle
S. J. Cross	Moore	Webber
D. Davis	Morris	West
Dement	Nichols	Williams
Farwell	Northcott	Whiteside
Gregg	Oliver	Whitney.
Harding	Pace	

Those voting in the negative, are,

Mr. Adams	Mr. Harper	Mr. T. A. Marshall
Anderson	Harvey	Mason
Armstrong	Hatch	Mieure
Atherton	Hay	Minshall
Blair	Heacock	H. D. Palmer
Blakely	Hoes	Powers
Canady	Hogue	Rives
Church	Holmes	Robbins
R. J. Cross	Hurlbut	Rountree
Dawson	Huston	Servant
Deitz	Jackson	Sherman
Dunlap	Judd	Shields
Dunn	Kenner	Shumway
Dunsmore	Kitchell	Sibley
Eccles	A. R. Knapp	Singleton
Edmonson	N. M. Knapp	E. O. Smith
C. Edwards	Knowlton	Spencer
N. W. Edwards	Lander	Thomas
Frick	Laughlin	Thornton
Graham	Lemon	Trower
Geddes	McCallen	Turnbull
P. Green	McClure	Vance
W. B. Green	Manly	Witt
Harlan	F. S. D. Marshall	Worcester.

On motion,

The convention adjourned until three o'clock. P. M.



THREE O'CLOCK, P. M.

The convention met pursuant to adjournment, and was called to order by the president.

Mr. Markley moved to reconsider the vote taken this morning on the amendment offered by Mr. Williams to the 24th section.

On motion of Mr. Markley,

A call of the convention was ordered.

The call having been proceeded in for some time, when it appeared that the following members were absent:

Messrs. Archer, Ballingall, Bond, Bosbyshell, Butler, T. Campbell, Carter, Choate, Dale, J. M. Davis, Dummer, Evey, H. R. Green, Gregg, Grimshaw, Heacock, Hogue, Hunsaker, Hurlbut, Jenkins, Jones, S. Kinney, W. C. Kinney, Logan, Norton, Peters, Roman, Servant, Vernor, Wead, and Woodson—31.

The question was taken, by yeas and nays, on the motion to reconsider,

And decided in the negative,	{ Yeas,	:	:	:	:	55
	{ Nays,	:	:	:	:	71

Those voting in the affirmative, are,

Mr. Akin  
Brockman  
Brown  
Bunsen  
Caldwell  
J. M. Campbell  
F. S. Casey  
Z. Casey  
Church  
Churchill  
Crain  
S. J. Cross  
D. Davis  
T. G. C. Davis  
Geddes  
Gregg  
Harding  
Harper  
Hayes

Mr. Huston  
James  
Judd  
A. R. Knapp  
Knowlton  
Knox  
Kreider  
Lander  
Lasater  
Linley  
McCully  
Markley  
Matheny  
Miller  
Moore  
Oliver  
Pace  
J. M. Palmer

Mr. Pinckney  
Pratt  
Robinson  
Roman  
Rountree  
Scates  
J. Smith  
Stadden  
Thomas  
Thompson  
Thornton  
Tutt  
Tuttle  
Williams  
Whiteside  
Whitney  
Mr. President.

Those voting in the negative, are,

Mr. Adams  
Allen  
Anderson  
Armstrong  
Atherton  
Canady  
Colby  
Constable  
Dawson  
Dement  
Dunlap

Mr. Dunn  
Dunsmore  
Eccles  
Edmonson  
C. Edwards  
N. W. Edwards  
Frick  
Graham  
P. Green  
W. B. Green  
Harlan

Mr. Harvey  
Hatch  
Hawley  
Hay  
Hill  
Hoes  
Hogue  
Holmes  
Huston  
Kenner  
Kitchell



Mr. N. M. Knapp

Laughlin

Lemon

Lockwood

Loudon

McCallen

McClure

McHatton

Manly

F. S. D. Marshall

T. A. Marshall

Mason]

Mieure

Mr. Minshall

Moffett

Morris

Nichols

Northcott

H. D. Palmer

Powers

Rives

Robbins

Sherman

Shields

Shumway

Sibley

Mr. Sim

Simpson

Singleton

F. O. Smith

Spencer

Swan

Trower

Turner

Vance

Webber

Witt

Worcester.

The question was taken on the adoption of the 24th section, and decided in the affirmative.

The question was taken on concurring with the committee of the whole in the amendments made to the 25th section, and decided in the affirmative.

The question was taken on the adoption of the 25th section, as amended, and decided in the affirmative.

On motion of Mr. F. S. D. Marshall,

The 26th section was amended by adding thereto the words "and also an oath of office."

The question was taken on the adoption of the 26th section, as amended, and decided in the affirmative.

Mr. Scates moved to amend the 27th section by adding thereto the following:

"The legislature shall have power:—

"To lay and collect taxes, imposts and excises, to pay the debts, and provide for the common defence, support, and general welfare of the state;

"To borrow money on the credit of the state;

"To pass all laws which may be deemed wise and expedient, in amendment, alteration, or abolishment of the principles of the common law, of equity, maritime, or mercantile law;

"To define and provide for the trial and punishment of crimes and misdemeanors, and regulate the general police of the state;

"To provide for the due administration of justice, the execution of laws, and the enforcement of the decisions of courts of justice, and such other tribunals as may be established;

"To regulate the rules of practice, and of evidence, the mode of instituting suits and proceedings against the state, the people thereof, and corporations in or out of the state;

"To exempt from attachment, execution and sales for taxes, or debt, such property as it may deem wise and expedient;

"To regulate the descent of real estate, titles to the same, wills, intestates, the administration, the distribution and settlement of estates, and the rules for ascertaining and defining and enforcing all contracts relative to property, real or personal, or to individuals or corporations;

"To define and regulate the relation and duties of husband and wife, parent and child, guardian and ward, and master and servant;



"To establish and regulate counties, towns, cities, and districts, and rules for the municipal government therein;

"To regulate insolvencies;

"To regulate elections;

"To establish and regulate roads, ferries, and toll-bridges, and internal improvements;

"To regulate the waters of the state and internal commerce;

"To encourage agriculture, the mechanic arts, and manufactures;

"To promote general education, the progress of science, and the useful arts, by establishing schools, and institutions of learning, and such other means as may be deemed wise and expedient;

"To provide for organizing, arming, disciplining, and calling forth the militia to execute the laws of the state, suppress insurrections, or repel invasions;

"To fix and locate the seat of government of the state, build, repair, and preserve a state house, and such other public offices as may be necessary for the transaction of the public business, and the preservation of the archives and public records;

"To regulate the administration of the several departments of state, and offices connected with the executive and other departments;

"To define and regulate the duties of the agents of the state;

"To provide for making a geological survey of the state;

"To provide for revising the laws of the state from time to time, and publishing the same in a condensed form;

"To pass all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of this state, or any department or officer thereof. All which powers shall be exercised within the limitations, restrictions, and prohibitions contained in this constitution;

"And it is expressly declared that the government ordained and established by this constitution is one of limited delegated powers; and the powers not herein delegated are reserved to the people, the source of all political power."

Mr. McCallen moved to amend the amendment by inserting in the 25th line, after the word "regulate," the words "the rise and fall of."

The question was taken, and the amendment to the amendment rejected.

On motion of Mr. Hay,

The amendment was amended by inserting the following between the words "thereof," and "all," in the 43d line,—

"To regulate interest on money;

"To regulate marriages, who may contract, who solemnize, &c.;

"To regulate estrays and water craft found adrift;

"To regulate mills and millers;

"To regulate divorces, what shall be cause for, and how obtained;

"To pass laws to suppress duelling, and punish those who may bear challenges, &c.;

"To regulate weights and measures;

"To provide for the maintenance of paupers and idiots;



"To establish a lunatic asylum in the state, and concerning idlers and idiots."

Mr. Kenner moved to amend the amendment as amended by adding thereto the following:

"*Provided*, that all powers not delegated to the legislature in the constitution shall remain with the people. But the legislature shall have power to submit any question of additional power to the people for their adoption or rejection."

Mr. Armstrong moved to amend the amendment by adding thereto the following:

"To regulate the passing of boats on the canals, and to pass all other laws in reference to the canals."

The question was taken, and the amendment to the amendment rejected.

Mr. Harvey moved to amend the amendment by adding thereto the words "and to pass acts of incorporation under the restrictions contained in this constitution."

The question was taken thereon, and the same rejected.

On motion of Mr. Moffett,

The previous question was ordered.

The question was taken, by yeas and nays, on the amendment, as amended,

And decided in the affirmative,	{ Yeas,	. . . . .	31
	{ Nays,	. . . . .	103

Those voting in the affirmative, are,

Mr. Akin  
Brown  
Bunsen  
Butler  
Caldwell  
J. M. Campbell  
F. S. Casey  
Constable  
C. Edwards  
Farwell  
Harding

Mr. Hogue  
James  
Judd  
Kenner  
A. R. Knapp  
Kreider  
Lasater  
Markley  
Peters  
Pratt

Mr. Roman  
Scates  
Simpson  
Swan  
Thompson  
Tutt  
Williams  
Witt  
Whiteside  
Whitney.

Those voting in the negative, are,

Mr. Adams  
Allen  
Anderson  
Armstrong  
Blair  
Bond  
Bosbyshell  
Brockman  
Canady  
Carter  
Z. Casey  
Church  
Churchill

Mr. Crain  
R. J. Cross  
S. J. Cross  
D. Davis  
T. G. C. Davis  
Dawson  
Deitz  
Dement  
Dunlap  
Dunn  
Dunsmore  
Eccles  
Edmonson

Mr. N. W. Edwards  
Frick  
Graham  
Geddes  
P. Green  
W. B. Green  
Gregg  
Harlan  
Harper  
Harvey  
Hatch  
Hawley  
Hay



Mr. Hayes	Mr. F. S. D. Marshall	Mr. Sharpe
Heacock	T. A. Marshall	Sherman
Henderson	Mason	Shields
Hill	Matheny	Shumway
Holmes	Miller	Sibley
Hurlbut	Minshall	Sim
Huston	Moffett	Singleton
Jackson	Moore	E. O. Smith
Kitchell	Morris	J. Smith
N. M. Knapp	Nichols	Spencer
Knowlton	Northcott	Stadden
Knox	Oliver	Thomas
Lander	Pace	Thornton
Laughlin	H. D. Palmer	Trower
Lemon	J. M. Palmer	Turnbull
Lockwood	Powers	Turner
Loudon	Rives	Tuttle
McCallen	Robbins	Vance
McCully	Robinson	Webber
McClure	Rountree	Woodson
McHatton	Servant	Worcester
Manly		Mr. President.

The question was taken on the adoption of the 27th section, and decided in the affirmative.

The question was taken on the adoption of the 28th section, and decided in the affirmative.

Mr. Crain moved to amend the next succeeding blank section by adding thereto the following:

"But may at any time repeal, alter, or amend, when in their opinion the public good requires it, any charter or general law, granting exclusive privileges to any incorporation, individual, or individuals whatever."

The question was taken, by yeas and nays,

And decided in the negative,	{ Yeas,	:	:	:	48
	{ Nays,	:	:	:	84

Those voting in the affirmative, are,

Mr. Armstrong	Mr. Gregg	Mr. Morris
Blair	Harvey	Oliver
Bosbyshell	Hatch	Pace
Brockman	Hawley	Powers
Bunsen	Hayes	Pratt
Butler	Hill	Robinson
Caldwell	Hogue	Rountree
J. M. Campbell	Huston	Scates
Carter	James	Shields
F. S. Casey	Kreider	Shumway
Z. Casey	Lasater	Simpson
Crain	Laughlin	Stadden
S. J. Cross	McCully	Thompson
T. G. C. Davis	McHatton	Tutt
Dement	Manly	Witt
Farwell	Markley	Whiteside
		Mr. President.



Those who voted in the negative, are,

Mr. Adams	Mr. Hay	Mr. Nichols
Akin	Heacock	Northcott
Allen	Henderson	H. D. Palmer
Anderson	Holmes	Peters
Brown	Hurlbut	Rives
Canady	Jackson	Robbins
Church	Judd	Roman
Churchill	Kenner	Servant
Constable	Kitchell	Sharpe
R. J. Cross	A. R. Knapp	Sherman
D. Davis	N. M. Knapp	Sibley
Dawson	Knowlton	Sim
Deitz	Knox	Singleton
Dunlap	Lander	E. O. Smith
Dunn	Lemon	J. Smith
Dunsmore	Lockwood	Spencer
Eccles	Loudon	Swan
Edmonson	McCallen	Thomas
C. Edwards	McClure	Thornton
N. W. Edwards	F. S. D. Marshall	Trower
Frick	T. A. Marshall	Turnbull
Graham	Mason	Turner
Geddes	Matheny	Tuttle
P. Green	Mieure	Vance
W. B. Green	Miller	Williams
Harding	Minshall	Whitney
Harlan	Moffett	Worcester.
Harper	Moore	

The question was taken on concurring with the committee of the whole, in the first blank section, after the 28th, and decided in the affirmative.

Mr. Brockman moved to amend the second blank section after the 28th section, as agreed to in the committee of the whole, by striking out all after the word "some," in the second line, and to insert in lieu thereof the words "court having jurisdiction over the same, and properly certified under seal, by the clerk thereof."

Mr. Shields called for a division, so as to vote first on striking out.

The question was taken on striking out, and decided in the negative.

On motion of Mr. Scates,

The same section was amended by striking out all after the first word "state," in the second line.

The question was taken on concurring with the committee of the whole, in agreeing to the same section, and decided in the affirmative.

On motion of Mr. Dement,

The 29th section was amended by inserting after the word "purpose," in the first line, the following:

"Nor to revive the charter of the state bank, or the charter of any other bank heretofore existing in this state."

On motion of Mr. Caldwell,

The same section was further amended by inserting after the word "revive," the words "or extend."

The question was taken on the adoption of the 29th section, as amended, and decided in the affirmative.

The question was taken on concurring with the committee of the



whole, in the amendment made to the 30th section, and decided in the affirmative.

The question was taken on the adoption of the 30th section, and decided in the affirmative.

The question was taken on concurring with the committee of the whole, in the first amendment made to the 31st section, and decided in the negative.

The question was taken on concurring with the same committee, in the second amendment made to the 31st section, and decided in the negative.

Mr. Caldwell moved to amend the same section, as amended, by striking out all between the word "exemptions," in the 5th line, and the word "law," in the 7th line, inclusive.

The question was taken, by yeas and nays, on the adoption of the amendment,

And decided in the negative,	{ Yeas,	:	:	:	:	27
	{ Nays,	:	:	:	:	102

Those voting in the affirmative, are,

Mr. Akin	Mr. T. G. C. Davis	Mr. Oliver
Bosbyshell	Farwell	Pace
Caldwell	Gregg	Peters
J. M. Campbell	Henderson	Pratt
Carter	Kreider	Sim
F. S. Casey	Lasater	J. Smith
Colby	McCully	Stadden
Crain	McClure	Thompson
S. J. Cross	Markley	Mr. President.

Those voting in the negative, are,

Mr. Allen	Mr. N. W. Edwards	Mr. N. M. Knapp
Anderson	Frick	Knowlton
Armstrong	Graham	Knox
Blair	Geddes	Lander
Bond	P. Green	Laughlin
Brockman	W. B. Green	Lemon
Brown	Harding	Lockwood
Bunsen	Harlan	Loudon
Butler	Harper	McCallen
Canady	Harvey	McHatton
Z. Casey	Hatch	Manly
Church	Hawley	F. S. D. Marshall
Churchill	Hay	T. A. Marshall
Constable	Hayes	Mason
R. J. Cross	Heacock	Matheny
D. Davis	Hill	Mieure
Dawson	Hogue	Miller
Deitz	Holmes	Minshall
Dement	Hurlbut	Moffett
Dunlap	Jackson	Moore
Dunn	James	Morris
Dunsmore	Judd	Northcott
Eccles	Kenner	H. D. Palmer
Edmonson	Kitchell	Pinckney
C. Edwards	A. R. Knapp	Powers



Mr. Rives  
Robbins  
Robinson  
Rountree  
Scates  
Servant  
Shields  
Shumway  
Simpson

Mr. Singleton  
E. O. Smith  
Spencer  
Swan  
Thornton  
Trower  
Turnbull  
Turner  
Tutt

Mr. Tuttle  
Vance  
Webber  
West  
Williams  
Witt  
Whiteside  
Whitney  
Worcester.

Mr. Scates moved to amend the same section, by inserting after the word "law," in the 7th line, the words "*Provided*, the foregoing provisions shall not be construed to extend to corporations."

The question was taken, and decided in the negative.

On motion of Mr. Scates,

The last vote was reconsidered.

Mr. Shields moved to reconsider the vote on concurring with the committee of the whole, on striking out part of the section.

On motion of Mr. Constable,

The rules were suspended for the time, when he introduced the following resolution; which was adopted:

*Resolved*, That the use of this hall be allowed to Charles H. Gaylor, Esq., for Wednesday evening next, for the delivery of an introductory lecture on the subject of human magnetism, and that he be allowed the use of the senate chamber for the delivery of an entire course of lectures on that subject.

On motion,

The convention adjourned.

## TUESDAY, AUGUST 10, 1847.

The convention met pursuant to adjournment.

Prayer by the Rev. Mr. Palmer of Marshall, a member.

The journal of yesterday was read.

Mr. Robbins presented the petition of R. H. Richardson and three others, citizens and qualified voters of the state of Illinois, praying for an exemption of a homestead of 160 acres of land, or a town lot of one acre, with the improvements, from mortgage and forced sale, for any debt or liability entered into from and after the adoption of the constitution; also, that provision be made to secure families a more liberal amount of personal property.

The reading was dispensed with, and

Mr. Robbins moved to refer the petition to the committees on Law Reform and Miscellaneous Subjects and Questions, with instructions to report an article as an amendment to the constitution, to be submitted to the people separately, and to contain in substance the following proposition, to wit:

From and after the first day of January, 1849, a homestead to each and every family in the state, consisting of a farm not exceeding eighty acres of land, not exceeding in value eight hundred dollars; or a town or city



lot with its appurtenances, not exceeding in value eight hundred dollars, shall forever be exempt from execution and from all liability whatever, in consequence of debts thereafter contracted.

On motion of Mr. Robbins,

The subject was laid on the table.

Mr. Bond moved that the rules be temporarily suspended to enable him to introduce a resolution.

The question was taken, and the convention refused to suspend the rules.

Mr. Hayes made a like motion.

The question was taken, and the convention refused to suspend the rules.

The question pending, when the convention adjourned on yesterday, was on the motion of Mr. Shields to reconsider the vote taken on concurring with the committee of the whole, in striking out a portion of the 31st section; which was taken and decided in the affirmative.

On motion of Mr. Williams,

The same section was amended by striking out all after the word "pass," in the 7th line.

On motion of Mr. Scates,

The same section was amended by adding after the words "the general assembly shall have no power to," the words "suspend any general law for the benefit of any particular individual, nor to pass any law for the benefit of individuals inconsistent with the general laws of the land."

The question was taken, by yeas and nays, on the adoption of the section, as amended,

And decided in the negative,	{ Yeas,	.	.	.	.	53
	{ Nays,	.	.	.	.	80

Those voting in the affirmative, are,

Mr. Bond  
Brockman  
Bunsen  
Butler  
Caldwell  
J. M. Campbell  
Canady  
Carter  
F. S. Casey  
Z. Casey  
Churchill  
Colby  
Crain  
Dement  
Dunn  
Dunsmore  
Gregg  
Harding

Mr. Hawley  
Heacock  
Hill  
Hogue  
Huston  
James  
Kenner  
Kreider  
Lasater  
Linley  
McCully  
McHatton  
Markley  
Morris  
Nichols  
Northcott  
Oliver  
Pace

Mr. H. D. Palmer  
Pratt  
Robinson  
Rountree  
Scates  
Shields  
Shumway  
Sim  
Simpson  
J. Smith  
Thompson  
Thornton  
Turnbull  
Tutt  
Witt  
Whiteside  
Mr. President.



Those voting in the negative, are,

Mr. Adams	Mr. Harper	Mr. Miller
Akin	Harvey	Minshall
Allen	Hatch	Moffett
Anderson	Hay	Moore
Armstrong	Hayes	Peters
Blair	Henderson	Pinckney
Blakely	Holmes	Powers
Bosbyshell	Hurlbut	Rives
Brown	Jackson	Robbins
Church	Jenkins	Roman
Constable	Kitchell	Sharpe
R. J. Cross	A. R. Knapp	Sherman
Dale	Knowlton	Sibley
Dawson	Knox	Singleton
Deitz	Lander	E. O. Smith
Dunlap	Laughlin	Spencer
Eccles	Lemon	Stadden
Edmonson	Lockwood	Swan
C. Edwards	Logan	Thomas
N. W. Edwards	Loudon	Trower
Frick	McCallen	Turner
Graham	McClure	Tuttle
Geddes	F. S. D. Marshall	Vance
H. R. Green	T. A. Marshall	Webber
P. Green	Mason	West
W. B. Green	Matheny	Whitney
Harlan	Mieure	Worcester.

On motion of Mr. R. J. Cross,

The amendment made by the committee of the whole to the 23d section was amended by striking out the word "may," and by inserting in lieu thereof the word "shall."

Mr. Thomas moved to amend the same amendment by striking out the word "regular," and by inserting in lieu thereof the word "biennial."

The question was taken, and the amendment rejected.

The question was taken, on concurring with the committee in the amendments made to the 32d section, and decided in the affirmative.

Mr. Lockwood moved to amend the same section by striking out the two first lines and the first four words of the third line.

The question was taken, and decided in the negative.

Mr. Peters moved to amend the same section by striking out the words "and every tenth year thereafter."

The question was taken, and decided in the negative.

The question was taken on the adoption of the 32d section, as amended, and decided in the affirmative.

Mr. Knowlton moved to amend the first blank section following the 32d section, as agreed to in committee of the whole, by striking out all after the word "districts," in the 4th line, and to strike out the words "shall be divided," and to insert in lieu of them the words "may by law be erected."

On motion of Mr. Pratt,

The previous question was ordered.

The question was taken on the adoption of the amendment, and decided in the affirmative.



The question was taken on the adoption of the same additional section, as amended, and decided in the affirmative.

Mr. McCallen moved to reconsider the last vote taken.

The question was taken, and decided in the negative.

Mr. E. O. Smith moved to amend the succeeding blank section by striking out the words "senatorial and," and the words "senator or."

On motion,

The convention adjourned until 3 o'clock, P. M.

### THREE O'CLOCK, P. M.

The convention assembled pursuant to adjournment.

The question pending when the convention adjourned this morning, was on the amendment proposed by Mr. E. O. Smith, to amend the second blank section succeeding the 32d of the report of the committee on the Legislative Department, as amended in committee of the whole.

The question was taken, and decided in the negative.

Mr. Thomas moved to amend the blank section by striking out the word "not," in the 2d line, and also to strike out the words "computed but shall be added together and."

The question was taken, and decided in the affirmative.

Mr. Whiteside moved to amend the same blank section by adding thereto the following proviso:

"*Provided*, that each senatorial district shall have not less than three representatives; which district may be subdivided for representative districts."

The question was taken, and decided in the negative.

Mr. Deitz moved to amend the same blank section by striking out the words "has the largest white population," and to insert in lieu thereof the words "including such excess would be entitled to a member."

The question was taken, and decided in the negative.

The question was taken, by yeas and nays, on concurring with the committee of the whole, in the adoption of the same blank section, as amended,

And decided in the affirmative,	{Yeas, . . . .	85
	{Nays, . . . .	52

Those voting in the affirmative, are,

Mr. Adams  
Atherton  
Blair  
Blakely  
Bond  
Brown  
Bunsen  
J. M. Campbell  
Canady  
Z. Casey  
Church  
Crain

Mr. R. J. Cross  
D. Davis  
Dawson  
Deitz  
Dunsmore  
Eccles  
C. Edwards  
N. W. Edwards  
Evey  
Frick  
Graham

Mr. Geddes  
H. R. Green  
P. Green  
W. B. Green  
Harding  
Harper  
Hawley  
Hay  
Hill  
Holmes  
Hurlbut



Mr. Huston	Mr. Mieux	Mr. Simpson
Jackson	Miller	Singleton
Jenkins	Minshall	E. O. Smith
Kenner	Moffet	Spencer
N. M. Knapp	Morris	Swan
Knox	Northcott	Thomas
Kreider	H. D. Palmer	Thornton
Lander	Pinckney	Trower
Lemon	Rives	Turnbull
Lockwood	Robinson	Turner
Logan	Roman	Tuttle
Loudon	Rountree	Vance
McHatton	Servant	Webber
Manly	Sharpe	Williams
F. S. D. Marshall	Shumway	Whiteside
T. A. Marshall	Sibley	Whitney
Matheny	Sim	Worcester.

Those voting in the negative, are,

Mr. Akin	Mr. Harlan	Mr. Mason
Allen	Harvey	Moore
Anderson	Hatch	Nichols
Armstrong	Hayes	Oliver
Bosbyshell	Heacock	J. M. Palmer
Brockman	Henderson	Peters
Butler	Hogue	Powers
Caldwell	James	Pratt
Carter	Kitchell	Robbins
F. S. Casey	A. R. Knapp	Scates
Churchill	Knowlton	Sherman
Colby	Lasater	J. Smith
S. J. Cross	Laughlin	Stadden
T. G. C. Davis	Linley	Thompson
Dement	McCailen	Tutt
Dunlap	McCully	Witt
Edmonson	McClure	Mr. President.
Gregg	Markley	

Mr. N. W. Edwards moved to amend the first amendment made by the committee of the whole to the 33d section, by striking out the words "the expenditures of the government for any given period shall never," in the first line, and to insert in lieu thereof the words "each general assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government, until the adjournment of the next regular session; the aggregate amount of which shall not be increased without a vote of two-thirds of each house, nor."

The question was taken, and decided in the affirmative.

The question was taken on concurring with the committee of the whole in the first amendment to the 33d section, as amended, and decided in the affirmative.

The question was taken on concurring with the same committee in the second amendment to the same section, and decided in the affirmative.

The question was taken on concurring with the same committee in the next amendment made, by striking out the words "and against it," and inserting in lieu thereof the words "members of the general assembly," and decided in the affirmative.



Mr. Harvey moved to amend the last amendment made by the committee of the whole to the 33d section, by inserting after the word "law," in the 12th line, the words "providing for the payment of such interest by such tax," and also by inserting after the word "irrepealable," in the 13th line, the words "until such debt be paid."

The question was taken, and decided in the affirmative.

Mr. Witt moved to amend the same amendment by striking out the words "which law, providing for the payment of such interest by such tax shall be irrepealable until such debt be paid."

The question was taken, by yeas and nays,

And decided in the negative,	{ Yeas,	:	:	:	:	25
	{ Nays,	:	:	:	:	106

Those voting in the affirmative, are,

Mr. Allen	Mr. T. G. C. Davis	Mr. Kreider
Armstrong	Demen	Lasater
Atherton	Edmonson	Loudon
Brockman	Farwell	McCallen
Butler	Heacock	Markley
Caldwell	Hogue	Webber
J. M. Campbell	James	Witt
F. S. Casey	Jenkins	Whitney.
Crain		

Those voting in the negative, are,

Mr. Anderson	Harvey	Mr. Miller
Blair	Hatch	Minshall
Bond	Hawley	Moffett
Bosbyshell	Hay	Moore
Brown	Hayes	Morris
Bunsen	Henderson	Nichols
Canady	Hill	Northcott
Zadok Casey	Hoes	Oliver
Church	Hurlbut	H. D. Palmer
Churchill	Huston	J. M. Palmer
Colby	Jackson	Peters
R. J. Cross	Judd	Pinckney
D. Davis	Kenner	Powers
Dawson	A. R. Knapp	Pratt
Dunlap	N. M. Knapp	Rives
Dunn	Knowlton	Robbins
Dunsmore	Knox	Robinson
Eccles	Lander	Roman
C. Edwards	Laughlin	Rountree
N. W. Edwards	Lemon	Servant
Evey	Lockwood	Sherman
Frick	Logan	Shields
Graham	McCally	Shumway
Geddes	McClure	Sibley
H. R. Green	McHatton	Sim
P. Green	Manly	Simpson
W. B. Green	F. S. D. Marshall	E. O. Smith
Gregg	T. A. Marshall	Spencer
Harding	Mason	Stadden
Harlan	Matheay	Swan
Harper	Mieure	Thomas



Mr. Thompson  
Thornton  
Trower  
Turnbull

Mr. Turner  
Tutt  
Tuttle  
Vance

Mr. Williams  
Whiteside  
Worcester  
Mr. President.

The question was taken on concurring with the committee of the whole in the last amendment made to the 33d section, as amended, and decided in the affirmative.

Mr. Kenner moved to amend the same section, as amended, by striking out all after the word "contracted," in the 7th line.

The question was taken, and decided in the negative.

Mr. E. O. Smith moved to amend the same section, as amended, by adding thereto the following proviso:

"*Provided*, that no act of the legislature shall be referred to the governor for his approval, which under the provisions of this section is to be submitted to the people for their approval."

The question was taken, and the amendment rejected.

Mr. Thomas moved to reconsider the vote taken on the 3d amendment made by the committee of the whole to the 33d section.

The question was taken, and decided in the negative.

Mr. Kenner moved to amend the same section, as amended, by striking out all after the word "may," in the 2d line, to the word "to," at the end of the 5th line," and to insert in lieu thereof, the words "contract debts," and further to amend by inserting after the word "pledged," in the 7th line, the words "and no other debt."

The question was taken, and the amendment rejected.

The question was taken on the adoption of the 33d section, as amended, and decided in the affirmative.

Mr. Markley moved to amend the 34th section by adding thereto the following:

"Nor shall the legislature have power in any manner, directly or indirectly, to pass any law or laws conferring a monopoly or monopolies upon any persons within this state."

Mr. Caldwell moved to amend the amendment by substituting therefor the following:

"Sec. —. The general assembly shall be forever prohibited from passing any private, special or general law, renewing, extending, or in anywise creating or authorizing the exercise of banking powers or privileges within this state; *Provided*, that the foregoing clause be submitted as a separate section to the people, at the election held for the adoption of this constitution, and every ten years thereafter, and when the same shall be adopted by a majority of the votes cast for and against it, then such clause, as a separate section, shall become a part of this constitution and supersede all other provisions herein to the contrary, subject to be submitted and voted on as above prescribed."

On motion of Mr. R. J. Cross,

The question was taken, by yeas and nays, on laying the amendment and substitute therefor on the table,

And decided in the affirmative,	{Yeas,	.	.	.	.	81
	{Nays,	.	.	.	.	53



Those voting in the affirmative, are,

Mr. Adams	Mr. Harvey	Mr. Mieure
Anderson	Hatch	Miller
Blair	Hawley	Minshall
Canady	Hay	Moffett
Church	Hogue	Moore
Churchill	Hurlbut	Morris
R. J. Cross	Huston	Northcott
D. Davis	Jackson	H. D. Palmer
Dawson	Judd	Peters
Deitz	Kenner	Pinckney
Dement	Kitchell	Rives
Dunlap	A. R. Knapp	Robbins
Dunn	N. M. Knapp	Servant
Dunsmore	Knowlton	Sherman
Eccles	Knox	Shumway
Edmonson	Lander	Sibley
C. Edwards	Lemon	E. O. Smith
N. W. Edwards	Lockwood	Spencer
Evey	Logan	Swan
Frick	Loudon	Thomas
Graham	McCallen	Thornton
Geddes	McClure	Trower
H. R. Green	McHatton	Turnbull
P. Green	F. S. D. Marshall	Turner
W. B. Green	T. A. Marshall	Tuttle
Harding	Mason	Vance
Harlan	Matheny	Whitney.
Harper		

Those voting in the negative, are,

Mr. Akin	Mr. Farwell	Mr. Pratt
Allen	Gregg	Robinson
Armstrong	Hayes	Roman
Atherton	Henderson	Rountree
Bond	Hill	Shields
Bosbyshell	Hoes	Sim
Brockman	James	Simpson
Brown	Jenkins	J. Smith
Bunsen	Kreider	Stadden
Butler	Lasater	Thompson
Caldwell	Laughlin	Tutt
J. M. Campbell	McCully	Webber
Carter	Manly	Williams
F. S. Casey	Markley	Witt
Z. Casey	Nichols	Whiteside
Colby	Oliver	Worcester
Crain	J. M. Palmer	Mr. President.
S. J. Cross	Powers	

Mr. Whiteside moved to amend the 34th section by adding thereto the following.

“And each county in the state, which has not a representative by a portionment, shall be entitled to one in the most numerous branch of the legislature; *Provided*, such county will elect and pay such representative.”

On motion,

The convention adjourned.



WEDNESDAY, August 11, 1847.

Convention met pursuant to adjournment.

Prayer by Rev. Mr. H. D. Palmer, a member.

The journal of yesterday was read.

Mr. Crain, from the committee on Miscellaneous Subjects and Questions, to which had been referred various petitions praying that a constitutional provision be made exempting from sale by judgment and execution the homestead of each family, made the following report:

## ARTICLE —.

SECTION 1. There shall be exempt from judgment, execution and forced sale, for the payment of debts, (contracted after the adoption of this constitution) to the head of every family, he or she being a cultivator of the soil and residing with his or her family, the homestead on which he or she may reside, not to exceed in quantity eighty acres of land, nor in value five hundred dollars, including the improvements thereon. The value to be ascertained as the legislature shall direct.

SEC. 2. In all cases where eighty acres, or any fractional division over forty acres, with the improvements thereon, shall exceed in value five hundred dollars, then forty acres, together with its improvements, not to exceed in value five hundred dollars, shall be exempt from execution and forced sale.

SEC. 3. There shall be exempt from execution and forced sale to mechanics and others being the heads of families and living with the same, in any city, town or village, one lot of ground of the ordinary size in such city, town or village where the same may be situated, together with the improvements thereon, not to exceed in value five hundred dollars.

SEC. 4. Where such town lot, together with its improvements, shall exceed in value five hundred dollars, and be susceptible of division, then only so much shall be exempt as shall be appraised to five hundred dollars.

On motion of Mr. Stadden,

The report was laid on the table, and 250 copies ordered to be printed for the use of the convention.

Mr. Hayes, from the committee on Law Reform, reported the following article as suitable to be engrafted in the amended constitution:

## ARTICLE —.

SECTION 1. It shall be the duty of the general assembly to provide for a codification of the laws, and after the year 1870, neither the common law, nor any English statute, not re-enacted, shall be in force, or regarded by the courts, except to aid in the exposition and construction of the laws of this state.







Those voting in the negative, are,

Mr. Adams	Mr. Harlan	Mr. Moffett
Akin	Harper	Moore
Allen	Harvey	Morris
Anderson	Hatch	Nichols
Armstrong	Hawley	Northcott
Blair	Hay	Oliver
Brockman	Hayes	H. D. Palmer
Bunsen	Heacock	J. M. Palmer
Butler	Henderson	Peters
Canady	Hill	Pinckney
Carter	Hoes	Powers
F. S. Casey	Hogue	Rives
Z. Casey	Holmes	Robbins
Church	Hurlbut	Robinson
Churchill	Huston	Scates
Colby	Jackson	Servant
Constable	Judd	Sharpe
R. J. Cross	A. R. Knapp	Sherman
D. Davis	Knowlton	Shields
J. M. Davis	Knox	Shumway
T. G. C. Davis	Kreider	Sibley
Dawson	Lander	Sim
Deitz	Lasater	Simpson
Dummer	Laughlin	Singleton
Dunlap	Lemon	E. O. Smith
Dunn	Linley	J. Smith
Dunsmore	Lockwood	Stadden
Eccles	Logan	Swan
Edmonson	McCallen	Thomas
C. Edwards	McCully	Thornton
N. W. Edwards	McClure	Trower
Evey	McHatton	Turnbull
Frick	Manly	Turner
Graham	Markley	Tutt
Geddes	F. S. D. Marshall	Tuttle
H. R. Green	T. A. Marshall	Vance
W. B. Green	Matheny	Webber
Gregg	Minshall	Mr. President.
Harding		

The question was taken, and the 34th section, as amended, adopted.

The question was taken on concurring with the committee of the whole, on inserting after the word "printing," in the second line, of the 35th section, the word "binding," and decided in the affirmative.

The question was taken on concurring with the same committee in the next amendment to the same section, and decided in the affirmative.

The question was taken on concurring with the same committee on inserting the word "shall," in the 4th line of the same section, and decided in the affirmative.

The question was taken on concurring with the same committee in adding the proviso at the end of the same section, and decided in the affirmative.

Mr. Brockman moved to amend the same section, as amended, by striking out the word "printing," and by adding at the end of the section the words "there shall be elected, by the qualified electors of this state, a public printer, whose term of office shall be two years; and whose fees of office shall be defined by the legislature."



On motion of Mr. Lockwood,

The main question was ordered.

The question was taken, and the amendment rejected.

The question was taken, and the 35th section, as amended, adopted.

Mr. Williams offered the following as an additional section:

"SEC. 36. The general assembly shall have no power to pass any law whereby any person shall be deprived of life, liberty, property, or franchises, without trial, judgment, or decree in some usual and regular judicial tribunal; *Provided*, that revenue, taxes, and assessments, may be collected, and private property may be taken and applied to public use, and persons and property shall be subject to arrest and seizure, for purposes of trial, judgment or decree, and persons may be punished for contempts, by such tribunals, and in such manner as the general assembly, by general and uniform laws, may provide; *And provided further*, that franchises of land sold without judgment, for taxes asserting title by virtue of such purchase as against the title of the original owner, or person claiming title or possession under such owner, shall be required to prove, in order to sustain the title asserted as aforesaid, that the land was subject to taxation when assessed, and that the same was assessed and sold conformably to law."

Mr. Scates moved to amend the amendment by striking out the words "life, liberty."

Mr. Anderson moved the previous question.

The question was taken, and the convention refused to order the previous question.

Mr. Scates withdrew his amendment.

On motion of Mr. Lockwood,

The amendment was amended by striking out the words "that the land was subject to taxation when assessed and."

The question was taken, by yeas and nays, on the adoption of the proposed section,

And decided in the negative,	{Yeas,	:	:	:	:	65
	{Nays,	:	:	:	:	66

Those voting in the affirmative, are,

Mr. Adams  
Anderson  
Bond  
Bosbyshell  
Brockman  
Brown  
Church  
R. J. Cross  
D. Davis  
J. M. Davis  
Dawson  
Dummer  
Dunlap  
Dunsmore  
C. Edwards  
N. W. Edwards  
Graham  
Geddes  
P. Green  
Gregg  
Harding  
Harlan

Mr. Hay  
Heacock  
Hoes  
Holmes  
Hurlbut  
Judd  
Kenner  
A. R. Knapp  
Knowlton  
Knox  
Lander  
Lemon  
Linley  
Logan  
McCallen  
Mason  
Matheny  
Miller  
Minshall  
Northcott  
Oliver  
J. M. Palmer

Mr. Peters  
Pinckney  
Pratt  
Rives  
Roman  
Servant  
Sibley  
Simpson  
Singleton  
Spencer  
Stadden  
Swan  
Thomas  
Thornton  
Turnbull  
Turner  
Tuttle  
Vance  
Williams  
Whitney  
Worcester.



Those voting in the negative, are,

Mr. Akin	Mr. Harvey	Mr. Moffett
Allen	Hatch	Moore
Armstrong	Hawley	Morris
Atherton	Henderson	Nichols
Blair	Hill	Pace
Blakely	Hogue	H. D. Palmer
Bunsen	Huston	Powers
Butler	Jackson	Robbins
J. M. Campbell	James	Robinson
Canady	Jenkins	Rountree
Carter	Kreider	Scates
F. S. Casey	Lasater	Sharpe
Z. Casey	Laughlin	Shields
Churchill	Lockwood	Shumway
S. J. Cross	Loudon	Sim
Deitz	McCully	E. O. Smith
Dunn	McClure	J. Smith
Eccles	Manly	Trower
Edmonson	Markley	Tutt
Frick	F. S. D. Marshall	Witt
H. R. Green	T. A. Marshall	Whiteside
Harper	Mieure	Mr. President.

Mr. Robbins moved the following as an additional section:

"SEC. 36. The general assembly shall have no power to alter or amend any bank charter, while the same may be in force in this state; nor shall any act, passed by the general assembly for the purpose of creating a bank, be submitted to the people for their ratification or rejection until the same shall have been published for at least six consecutive weeks in the public newspaper printed at the seat of government in this state."

Mr. Singleton moved to strike out all after, and including the word "until."

The question was taken, by yeas and nays,

And decided in the negative,	{ Yeas,	:	:	:	:	6
	{ Nays,	:	:	:	:	128

Those voting in the affirmative, are,

Mr. R. J. Cross	Mr. Kenner	Mr. Singleton
Hay	Roman	Williams.

Those voting in the negative, are,

Mr. Adams	Mr. J. M. Campbell	Mr. Dunn
Akin	F. S. Casey	Dunsmore
Allen	Z. Casey	Eccles
Anderson	Church	Edmonson
Armstrong	Churchill	C. Edwards
Atherton	Crain	N. W. Edwards
Blair	S. J. Cross	Evey
Blakely	D. Davis	Frick
Bond	J. M. Davis	Graham
Bosbyshell	T. G. C. Davis	Geddes
Brockman	Dawson	H. R. Green
Brown	Deitz	P. Green
Bunsen	Dummer	Gregg
Butler	Dunlap	Harding



Mr. Harlan	Mr. McCallen	Mr. Rountree
Harper	McCully	Scates
Harvey	McClure	Servant
Hatch	McHatton	Sharpe
Hawley	Manly	Sherman
Hayes	Markley	Shields J
Heacock	F. S. D. Marshall	Shumway
Henderson	T. A. Marshall	Sibley
Hill	Mason	Sim
Hogue	Matheny	Simpson
Holmes	Mieure	E. O. Smith
Hurlbut	Miller	Spencer
Huston	Minshall	Stadden
Jackson	Moffett	Swan
James	Moore	Thomas
Jenkins	Morris	Thornton
Judd	Nichols	Trower
A. R. Knapp	Northcott	Turnbull
N. M. Knapp	Oliver	Turner
Knowlton	Pace	Tutt
Knox	H. D. Palmer	Tuttle
Kreider	J. M. Palmer	Vance
Lander	Peters	Witt
Lasater	Pinckney	Whiteside
Laughlin	Powers	Whitney
Linley	Pratt	Worcester
Lockwood	Rives	Mr. President.
Logan	Robbins	
Loudon	Robinson	

On motion of Mr. Hurlbut,

The question was taken, by yeas and nays, on laying the proposed section on the table,

And decided in the affirmative,	{ Yeas,	: . . . .	93
	{ Nays,	: . . . .	40

Those voting in the affirmative, are,

Mr. Adams	Mr. Geddes	Mr. McCallen
Akin	H. R. Green	McCully
Allen	Gregg	McHatton
Anderson	Harding	Manly
Armstrong	Harlan	F. S. D. Marshall
Blair	Harper	T. A. Marshall
Blakely	Harvey	Matheny
Brockman	Hawley	Miller
Butler	Hay	Minshall
Canady	Hayes	Moffett
Z. Casey	Hill	Moore
Church	Hoes	Morris
Churchill	Hogue	Northcott
R. J. Cross	Holmes	Oliver
T. G. C. Davis	Hurlbut	J. M. Palmer
Deitz	Huston	Peters
Dummer	Jackson	Pinckney
Dunlap	Kenner	Powers
Dunn	A. R. Knapp	Rives
Eccles	Knowlton	Robinson
Edmonson	Knox	Servant
C. Edwards	Lander	Sharpe
N. W. Edwards	Laughlin	Sherman
Evey	Linley	Sibley
Graham	Loudon	Sim



Mr. Simpson  
Singleton  
E. O. Smith  
J. Smith  
Spencer  
Stadden

Mr. Swan  
Thomas  
Trower  
Turnbull  
Turner  
Tutt

Mr. Tuttle  
Vance  
Williams  
Whitney  
Worcester  
Mr. President.

Those voting in the negative, are,

Mr. Atherton  
Bond  
Bosbyshell  
Brown  
Bunsen  
J. M. Campbell  
F. S. Casey  
Crain  
S. J. Cross  
D. Davis  
Dawson  
Dement  
Dunsmore  
Frick

Mr. Hatch  
Henderson  
James  
Jenkins  
Judd  
Kreider  
Lasater  
Lockwood  
Logan  
McClure  
Markley  
Mason  
Mieure

Mr. Nichols  
Pace  
H. D. Palmer  
Pratt  
Robbins  
Roman  
Rountree  
Scates  
Shields  
Shumway  
Thornton  
Witt  
Whiteside.

Mr. Peters offered the following as an additional section:

"SEC. —. The state shall never make any loan of any money or credit of any banking corporation or association whatsoever."

The question was taken, and the amendment rejected.

On motion of Mr. Thomas,

The report was laid on the table.

Mr. Crain, on leave, from the committee on Miscellaneous Subjects and Questions, reported the following as suitable to be added to the article reported by him this morning from the same committee, to be set down as an additional section:

"SEC. 5. Any female being possessed of real estate at the time of her marriage, shall never be dispossessed of the same for the payment of the debts of her husband, against her consent. But in all cases said real estate shall enure at her death, or pleasure, to the benefit of her child or children, should she have any. But should she have no child or children then such estate may be disposed of at her pleasure. But should she die having no issue, and not having disposed of said estate, then the same shall pass to her surviving relatives, as the legislature may direct."

On motion of Mr. Crain,

The report was laid on the table, and 250 copies ordered to be printed with the report made by him this morning.

On motion,

The convention adjourned until 3 o'clock, P. M.



THREE O'CLOCK, P. M.

The convention assembled pursuant to adjournment.

On motion of Mr. Turnbull,

The report of the committee on the Executive Department, as reported by the committee of the whole, was taken from the table for consideration.

The question was taken on the adoption of the first section, and decided in the affirmative.

Mr. Gregg moved to amend the amendment to the second section by striking out the figures "1848," and by inserting in lieu thereof the figures "1850," and to further strike out the figures "1852," and to insert in lieu thereof the figures "1854."

The question was taken, by yeas and nays,

And decided in the negative,	{ Yeas,	:	:	:	:	40
	{ Nays,	:	:	:	:	94

Those voting in the affirmative, are,

<b>Mr. Adams</b>	<b>Mr. Gregg</b>	<b>Mr. Markley</b>
Akin	Harvey	Morris
Allen	Hatch	Nichols
Armstrong	Hawley	Pace
Blair	Heacock	J. M. Palmer
Blakely	Henderson	Powers
Butler	Huston	Pratt
J. M. Campbell	James	Rountree
Church	Kreider	Sherman
Churchill	Lasater	Webber
Colby	Laughlin	Whiteside
S. J. Cross	McClure	Whitney
Dement	Manly	Mr. President.
Dunn		

Those voting in the negative, are,

<b>Mr. Atherton</b>	<b>Mr. Dunsmore</b>	<b>Mr. Jackson</b>
Bond	Eccles	Judd
Bosbyshell	Edmonson	Kenner
Brockman	C. Edwards	A. R. Knapp
Bunsen	N. W. Edwards	N. M. Knapp
Caldwell	Evey	Knox
Canady	Frick	Lander
Carter	Graham	Lemon
F. S. Casey	Geddes	Lockwood
Z. Casey	H. R. Green	Logan
Crain	P. Green	Loudon
R. J. Cross	Harding	McCallen
D. Davis	Harlan	McCully
J. M. Davis	Harper	McHatton
T. G. C. Davis	Hay	F. S. D. Marshall
Dawson	Hayes	T. A. Marshall
Deitz	Hill	Mason
Dummer	Hogue	Matheny
Dunlap	Hurlbut	Mieure



Mr. Miller  
Minshall  
Moffett  
Moore  
Northcott  
Oliver  
Peters  
Pinckney  
Rives  
Robbins  
Robinson  
Roman  
Scates

Mr. Servant  
Sharpe  
Shields  
Shumway  
Sibley  
Sim  
Simpson  
Singleton  
E. O. Smith  
J. Smith  
Spencer  
Stadden

Mr. Swan  
Thomas  
Thornton  
Trower  
Turnbull  
Turner  
Tutt  
Tuttle  
Vance  
Williams  
Witt  
Worcester.

On motion of Mr. E. O. Smith,

The amendment to the second section was amended by inserting before the words "first," in the first, second, and third lines, the words "Tuesday next after the."

On motion of Mr. Hay,

The same amendment was further amended by striking out the word "forever," at the end of the second line.

The question was taken on concurring with the committee of the whole in the amendment made to the second section, as amended, and decided in the affirmative.

Mr. Hayes moved to amend the second section, as amended, by inserting after the word "thereafter," in the third line, the words "until another day shall be provided by law."

The question was taken, and the amendment rejected.

The question was taken on the adoption of the second section, as amended, and decided in the affirmative.

Mr. Church moved to amend the amendment to the third section by striking out the words "for more than four years in any term of eight years, nor."

The question was taken, and decided in the negative.

The question was taken on concurring with the committee of the whole, in the amendment made to the third section, and decided in the affirmative.

The question was taken on the adoption of the third section, as amended, and decided in the affirmative.

The question was taken on concurring with the committee of the whole, in the amendments made to the fourth section, in striking out, and decided in the affirmative.

The question was taken, by yeas and nays, on concurring with the same committee, in the amendment made at the end of the same section,

And decided in the affirmative,	{ Yeas, . . . .	70
	{ Nays, . . . .	68



Those voting in the affirmative, are,

Mr. Adams	Mr. Hurlbut	Mr. Peters
Atherton	Jackson	Pinckney
Blair	Judd	Rives
Bond	Kenner	Robinson
Canady	A. R. Knapp	Servant
R. J. Cross	Knowlton	Sharpe
D. Davis	Knox	Shields
J. M. Davis	Lander	Sibley
Deitz	Lemon	Sim
Dummer	Lockwood	Singleton
Dunn	Logan	E. O. Smith
Dunsmore	Loudon	Spencer
Eccles	McCallen	Swan
C. Edwards	F. S. D. Marshall	Thomas
N. W. Edwards	T. A. Marshall	Thornton
Evey	Mason	Trower
Frick	Matheny	Turnbull
Graham	Mieure	Turner
Geddes	Miller	Tuttle
H. R. Green	Minshall	Vance
Harlan	Northcott	Webber
Harper	H. D. Palmer	West
Hawley	J. M. Palmer	Williams.
Hay		

Those voting in the negative, are,

Mr. Akin	Mr. Farwell	Mr. Moore
Allen	P. Green	Morris
Armstrong	Gregg	Nichols
Blakely	Harvey	Oliver
Bosbyshell	Hatch	Pace
Brockman	Hayes	Powers
Brown	Heacock	Pratt
Bunsen	Henderson	Robbins
Butler	Hill	Roman
Caldwell	Hoes	Rountree
J. M. Campbell	Hogue	Scates
Carter	Huston	Sherman
F. S. Casey	James	Shumway
Z. Casey	N. M. Knapp	Simpson
Church	Kreider	J. Smith
Churchill	Lasater	Stadden
Colby	Laughlin	Tutt
Crain	McCully	Witt
S. J. Cross	McClure	Whiteside
T. G. C. Davis	McHatton	Whitney
Dement	Manly	Worcester
Dunlap	Markley	Mr. President.
Edmonson	Moffett	

The question was taken on the adoption of the fourth section, as amended, and decided in the affirmative.

Mr. Powers moved to amend the amendment to the fifth section, by striking out the words "twelve hundred and fifty," and by inserting in lieu thereof the words "fifteen hundred."

Mr. Shumway moved "one thousand."

Mr. J. M. Davis called for a division, so as to vote first on striking out which was seconded by the convention.

The question was taken on striking out, and decided in the affirmative



The question was taken, by yeas and nays, on filling the blank with the words "fifteen hundred,"

And decided in the affirmative,	{ Yeas,	:	:	:	:	73
	{ Nays,	:	:	:	:	67

Those voting in the affirmative, are,<sup>1</sup>

Mr. Adams	Mr. Hay	Moore
Armstrong	Hayes	Morris
Blair	Heacock	Nichols
Bosbyshell	Henderson	J. M. Palmer
Brockman	Hill	Peters
Brown	Hoes	Pinckney
Bunsen	Hurlbut	Powers
Butler	Huston	Pratt
J. M. Campbell	Jackson	Roman
Church	James	Servant
Colby	A. R. Knapp	Sharpe
R. J. Cross	N. M. Knapp	Sherman
Deitz	Knowlton	Sibley
Dement	Knox	Singleton
Dummer	Laughlin	Stadden
Dunlap	Lockwood	Thomas
Dunn	Logan	Turner
C. Edwards	McCallen	Webber
Farwell	McClure	West
Geddes	McHatton	Williams
Gregg	F. S. D. Marshall	Whiteside
Harding	Matheny	Whitney
Harvey	Miller	Worcester
Hatch	Minshall	Mr. President.
Hawley		

Those voting in the negative, are,

Mr. Akin	Mr. Graham	Mr. Pace
Allen	H. R. Green	H. D. Palmer
Atherton	P. Green	Rives
Blakely	Harlan	Robbins
Bond	Harper	Robinson
Caldwell	Hogue	Rountree
Canady	Judd	Scates
Carter	Kenner	Shields
F. S. Casey	Kreider	Shumway
Z. Casey	Lander	Sim
Churchill	Lasater	Simpson
Crain	Lemon	E. O. Smith
S. J. Cross	Loudon	J. Smith
D. Davis	McCully	Spencer
J. M. Davis	Manly	Swan
T. G. C. Davis	Markley	Thornton
Dawson	T. A. Marshall	Thrower
Dunsmore	Mason	Turnbull
Eccles	Mieure	Tutt
Edmonson	Moffett	Tuttle
N. W. Edwards	Northcott	Vance
Evey	Oliver	Witt.
Frick		



Mr. Deitz moved to amend the same amendment by inserting after the word "government," in the fourth line, the words "and shall be *ex officio* fund commissioner."

The question was taken, by yeas and nays, on the adoption of the amendment,

And decided in the negative,	{ Yeas,	:	:	:	:	24
	{ Nays,	:	:	:	:	114

Those voting in the affirmative, are,

Mr. Blakely	Mr. McCallen	Mr. Shields
J. M. Davis	Manly	Sim
Deitz	T. A. Marshall	Simpson
Evey	Moffett	E. O. Smith
James	Oliver	Thornton
Judd	Pace	Trower
Kenner	J. M. Palmer	West
Lemon	Robbins	Witt.

Those voting in the negative, are,

Mr. Adams	Mr. Geddes	Mr. Miller
Akin	H. R. Green	Minshall
Allen	P. Green	Moore
Armstrong	Gregg	Morris
Atherton	Harlan	Nichols
Blair	Harper	Northcott
Bond	Hatch	H. D. Palmer
Bosbyshell	Hawley	Peters
Brockman	Hay	Pinckney
Brown	Hayes	Powers
Bunsen	Heacock	Pratt
Butler	Henderson	Rives
J. M. Campbell	Hill	Roman
Canady	Hoes	Rountree
Carter	Hogue	Scates
F. S. Casey	Holmes	Servant
Z. Casey	Hurlbut	Sharpe
Church	Huston	Sherman
Churchill	Jackson	Shumway
Colby	N. M. Knapp	Sibley
Constable	Knowlton	Singleton
Crain	Knox	J. Smith
R. J. Cross	Kreider	Spencer
S. J. Cross	Lander	Stadden
D. Davis	Lasater	Swan
Dawson	Laughlin	Thomas
Dement	Lockwood	Turnbull
Dummer	Logan	Turner
Dunlap	Loudon	Tutt
Dunn	McCully	Tuttle
Dunsmore	McClure	Vance
Eccles	McHatton	Webber
Edmonson	Markley	Williams
C. Edwards	F. S. D. Marshall	Whiteside
N. W. Edwards	Mason	Whitney
Farwell	Matheny	Worcester
Frick	Mieure	Mr. President.
Graham		



Mr. Mason moved to amend the same amendment by inserting after the word "diminished," in the sixth line, the words "during the period for which he shall have been elected, nor increased until all arrears of interest on the state debt shall have been paid."

The question was taken, and the amendment rejected.

Mr. C. Edwards moved to amend the same amendment by striking out the words "increased nor," in the 5th line.

The question was taken, and the amendment rejected.

The question was taken on concurring in the same amendment, as amended, and decided in the affirmative.

The question was taken on the adoption of the 5th section, as amended, and decided in the affirmative.

The question was consecutively taken on the adoption of the 6th and 7th sections, and decided in the affirmative.

The question was taken, by yeas and nays, on concurring with the committee of the whole in the amendments made to the 8th section,

And decided in the negative,	{ Yeas,	:	:	:	:	48
	{ Nays,	:	:	:	:	84

Those voting in the affirmative, are,

Mr. Adams	Mr. Frick	Mr. Morris
Blair	Graham	Northcott
Bond	P. Green	H. D. Palmer
Brown	Hawley	J. M. Palmer
Bunsen	Hay	Peters
J. M. Campbell	Hurlbut	Pinckney
Canady	Kenner	Powers
Church	Knowlton	Roman
Churchill	Knox	Servant
Constable	Laughlin	Sharpe
R. J. Cross	Lockwood	Shields
Dement	Logan	Thomas
Dummer	F. S. D. Marshall	Turner
Dunlap	Mason	Tutt
C. Edwards	Mieure	Vance
Farwell	Miller	West.

Those who voted in the negative, are,

Mr. Akin	Mr. Dawson	Mr. Henderson
Allen	Deitz	Hill
Armstrong	Dunn	Hoes
Atherton	Dunsmore	Hogue
Blakely	Eccles	Huston
Bosbyshell	Edmonson	Jackson
Brockman	N. W. Edwards	James
Butler	Evey	N. M. Knapp
Carter	Geddes	Kreider
F. S. Casey	H. R. Green	Lander
Z. Casey	Gregg	Lasater
Colby	Harding	Lemon
Crain	Harlan	Loudon
S. J. Cross	Harper	McCallen
D. Davis	Hatch	McCully
J. M. Davis	Hayes	McClure



Mr. McHatton  
Manly  
Markley  
T. A. Marshall  
Matheny  
Minshall  
Moffett  
Moore  
Nichols  
Oliver  
Pace  
Pratt

Mr. Rives  
Robbins  
Robinson  
Rountree  
Scates  
Sherman  
Shumway  
Sibley  
Sim  
Simpson  
Singleton  
E. O. Smith

Mr. J. Smith  
Spencer  
Stadden  
Thornton  
Trower  
Turnbull  
Tuttle  
Williams  
Whiteside  
Whitney  
Worcester  
Mr. President.

Mr. Thornton moved to amend the 8th section by inserting after the word "pardons," in the 4th line, the words "and remit fines and forfeitures."

The question was taken, and the amendment rejected.

The question was consecutively taken on the adoption of the 8th and 9th sections, and decided in the affirmative.

On motion of Mr. Powers,

A division was ordered on the amendments to the 10th section.

The question was taken on striking out the words "when assembled &c., and decided in the affirmative.

The question was taken on inserting the words "in said proclamation the purposes for which they are to convene," and decided in the affirmative.

The question was taken on concurring in the insertion of the words "enter on no legislative business," &c., and decided in the affirmative.

The question was taken on striking out the words "be limited in the action," &c., and decided in the affirmative.

Mr. Powers moved to amend the same section, as amended, by striking out all after the word "convene," in the second line.

The question was taken, and the amendment rejected.

Mr. Scates moved to amend the same section, by inserting after the word "occasions," the words "which would cause irremediable injury to the public interest by delay."

The question was taken, and the amendment rejected.

The question was taken on the adoption of the 10th section, as amended, and decided in the affirmative.

The question was consecutively taken on the adoption of the 11th, 12th, 13th, 14th, 15th, and 16th sections, and decided in the affirmative.

The question was consecutively taken on the adoption of the 17th, 18th, and 19th sections, and decided in the affirmative.

Mr. J. M. Davis moved to amend the amendments made to the 20th section, by striking out the words "three-fifths," wherever they occur and by inserting in lieu thereof the words "a majority."

Mr. Turnbull called for a division of the question; which the convention refused to second.

The question was taken, by yeas and nays, on the motion made by Mr. J. M. Davis,

And decided in the affirmative, { Yeas, . . . 71  
Nays, . . . 67



Those voting in the affirmative, are,

Mr. Adams	Mr. Hay	Mr. Oliver
Blakely	Hurlbut	H. D. Palmer
Bond	Jackson	Pinckney
Z. Casey	Jenkins	Rives]
Church	Judd	Roman
Constable	Kenner	Servant
R. J. Cross	A. R. Knapp	Shields
S. J. Cross	N. M. Knapp	Sibley
D. Davis	Knowlton	Sim
J. M. Davis	Knox	E. O. Smith
Dawson	Lander	J. Smith
Deitz	Lemon	Spencer
Dummer	Lockwood	Stadden
Dunlap	Logan	Swan
Eccles	Loudon	Thomas
C. Edwards	McCallen	Thornton
N. W. Edwards	Manly	Turnbull
Graham	F. S. D. Marshall	Turner
Geddes	T. A. Marshall	Tuttle
H. R. Green	Mason]	Vance
P. Green	Matheny	West
Harding	Mieure	Williams
Harlan	Miller	Whitney.]
Harper	Northcott	

Those voting in the negative, are,

Mr. Akin	Mr. Farwell	Mr. Morris
Allen	Frick	Nichols
Armstrong	Harvey	Pace
Atherton	Hatch	J. M. Palmer
Blair	Hawley	Peters
Bosbyshell	Hayes	Powers
Brockman	Heacock	Pratt
Bursen	Henderson	Robbins
Butler	Hill	Robinson
Caldwell	Hoes	Rountree
J. M. Campbell	Hogue	Scates
Canady	Huston	Sharpe
Carter	James	Sherman
F. S. Casey	Kreider	Shumway
Churchill	Lasater	Simpson
Colby	Laughlin	Singleton
Crain	McCully]	Trower
T. G. C. Davis	McClure	Tutt
Dement	McHatton	Witt
Dunn	Markley	Whiteside
Dunsmore	Moffett	Worcester
Edmonson	Moore	Mr. President.
Evey		

The question was taken, by yeas and nays, on concurring with the committee of the whole, in the amendments to the 20th section, as amended,

And decided in the affirmative, { Yeas, : : : : 71  
Nays, : : : : 68



Those voting in the affirmative, are,

Mr. Adams	Mr. Hayl	Mr. Oliver !
Bond	Hurlbut	H. D. Palmer
Canady	Jackson	Pinckney
Z. Casey	Jenkins	Rives
Church	Judd	Roman
Constable	Kenner	Servant
R. J. Cross	A. R. Knapp	Shields
D. Davis	N. M. Knapp	Sibley
J. M. Davis	Knowlton	Sim
Dawson	Knox	Singleton
Dentz	Lander	E. O. Smith
Dummer	Lemon	Spencer
Dunlap	Lockwood	Stadden
Eccles	Logan	Swan
Edmonson	Loudon	Thomas
C. Edwards	McCallen	Thornton
N. W. Edwards	Manly	Turnbull
Graham	F. S. D. Marshall	Turner
Geddes	T. A. Marshall	Tuttle
H. R. Green	Mason	Vance
P. Green	Matheny	West
Harding	Mieure	Williams
Harlan	Miller	Whitney.
Harper	Northcott	

Those voting in the negative, are,

Mr. Akin	Mr. Evey	Mr. Morris
Allen	Farwell	Nichols
Armstrong	Frick	Pace
Atherton	Harvey	J. M. Palmer
Blair	Hatch	Peters
Blakely	Hawley	Powers
Bosbyshell	Hayes	Pratt
Brockman	Heacock	Robbins
Brown	Henderson	Robinson
Bunsen	Hill	Rountree
Butler	Hoes	Scates
Caldwell	Hogue	Sharpe
J. M. Campbell!	Huston	Sherman
Carter	James	Shumway
F. S. Casey	Kreider	Simpson
Churchill	Lasater	J. Smith
Colby	Loughlin	Trower
Crain	McCully	Tutt
S. J. Cross	McClure	Witt
T. G. C. Davis	McHatton	Whiteside
Dement	Markley	Worcester
Dunn	Moffett	Mr. President.
Dunsmore	Moore	

The question was taken, by yeas and nays, on the adoption of the 20th section, as amended,

And decided in the affirmative,	{Yeas,	:	:	:	:	74
	{Nays,	:	:	:	:	65



Those voting in the affirmative, are,

Mr. Adams	Mr. Hay	Mr. Northcott
Blakely	Hayes	Oliver
Bond	Hurlbut	H. D. Palmer
Canady	Jackson	Pinckney
Church	Jenkins	Rives
Constable	Judd	Roman
R. J. Cross	Kenner	Servant
D. Davis	A. R. Knapp	Shields
J. M. Davis	N. M. Knapp	Sibley
Dawson	Knowlton	Sim
Deitz	Knox	Singleton
Dummer	Lander	E. O. Smith
Dunlap	Lemon	Spencer
Dunsmore	Lockwood	Stadden
Eccles	Logan	Swan
Edmonson	Loudon	Thomas
C. Edwards	McCallen	Thornton
N. W. Edwards	Manly	Turnbull
Graham	F. S. D. Marshall	Turner
Geddes	T. A. Marshall	Tuttle
H. R. Green	Mason	Vance
P. Green	Matheny	West
Harding	Mieure	Williams
Harlan	Miller	Whitney.
Harper	Moffett	

Those voting in the negative, are,

Mr. Akin	Mr. Evey	Mr. Nichols
Allen	Farwell	Pace
Armstrong	Frick	J. M. Palmer
Atherton	Harvey	Peters
Blair	Hatch	Powers
Bosbyshell	Hawley	Pratt
Brockman	Heacock	Robbins
Brown	Henderson	Robinson
Bunsen	Hill	Rountree
Butler	Hoes	Scates
Caldwell	Hogue	Sharpe
J. M. Campbell	Huston	Sherman
Carter	James	Shumway
F. S. Casey	Kreider	Simpson
Z. Casey	Lasater	J. Smith
Churchill	Laughlin	Trower
Colby	McCully	Tutt
Crain	McClure	Witt
S. J. Cross	McHutton	Whiteside
T. G. C. Davis	Markley	Worcester
Dement	Moore	Mr. President.
Dunn	Morris	

Mr. Dement moved to amend the amendment by inserting after the words "per annum," in the seventh line, the words "exclusive of necessary clerk hire."

The question was taken, and the amendment rejected.

The question was taken on concurring with the committee of the whole the amendments made to the 21st section, and decided in the affirmative.



Mr. McCallen moved to amend the section, as amended, by striking out all from the first word to the word "who," in the fourth line, and by inserting in lieu thereof the words "there shall be elected by the qualified voters of the state, at the same time that the governor is elected, a secretary of state, who shall hold his office for four years."

The question was taken, by yeas and nays, on the adoption of the amendment,

And decided in the affirmative,	{Yeas,	:	:	:	:	71
	{Nays,	:	:	:	:	62

Those voting in the affirmative, are,

Mr. Adams	Mr. Harlan	Mr. Northcott
Allen	Harvey	Oliver
Atherton	Hatch	H. D. Palmer
Blakely	Heacock	Pinckney
Brockman	Henderson	Pratt
Caldwell	Hill	Rives
J. M. Campbell	Hoes	Roman
Carter	Hogue	Rountree
F. S. Casey	Jenkins	Scates
Z. Casey	Judd	Shields
Church	Knowlton	Shumway
Churchill	Kreider	Sibley
Crain	Lander	Sim
R. J. Cross	Lasater	Simpson
S. J. Cross	Lemon	E. O. Smith
T. G. C. Davis	Loudon	Spencer
Deitz	McCallen	Stadden
Dunn	McCully	Swan
Dunsmore	McClure	Thornton
Eccles	Manly	Trower
Evey	Markley	Turner
Graham	Matheny	Tuttle
P. Green	Mieure	Williams
Harding	Moffett	Mr. President.

Those voting in the negative, are,

Mr. Akin	Mr. H. R. Green	Mr. Morris
Armstrong	Harper	Nichols
Blair	Hawley	Pace
Brown	Hay	J. M. Palmer
Bunsen	Hayes	Peters
Butler	Hurlbut	Powers
Canady	Huston	Robbins
Colby	Jackson	Robinson
Constable	James	Servant
D. Davis	Kenner	Sharpe
J. M. Davis	A. R. Knapp	Sherman
Dawson	Knox	Singleton
Dement	Laughlin	Thomas
Dummer	Lockwood	Turnbull
Dunlap	Logan	Tutt
Edmonson	McHatton	Vance
C. Edwards	F. S. D. Marshall	Witt
N. W. Edwards	T. A. Marshall	Whiteside
Farwell	Mason	Whitney
Frick	Miller	Worcester.
Geddes	Moore	



Mr. Vance moved to amend the same section, as amended, by adding hereto the words "there shall be elected by the qualified voters of the state, all clerks that may be necessary in the different offices of the secretary of state, auditor, and treasurer."

Mr. Whitney moved that the convention adjourn.

The question was taken, and decided in the negative.

On motion,

The convention adjourned.

THURSDAY, August 12, 1847.



The convention met pursuant to adjournment.

Prayer by the Rev. H. D. Palmer, a member.

The journal of yesterday was read.

The question pending when the convention adjourned on yesterday, was on the amendment offered by Mr. Vance to the 21st section, as amended, of the report of the select committee of twenty-seven on the Judiciary Department.

On motion of Mr. E. O. Smith,

The amendment was laid on the table.

On motion of Mr. Pratt,

The 21st section was stricken out, and the following inserted in lieu thereof:

"There shall be elected by the qualified electors of the state, at the same time of the election for governor, a secretary of state, whose term of office shall be the same as that of the governor, who shall keep a fair register of the official acts of the governor, and when required shall lay the same, and all papers, minutes and vouchers relative thereto, before either branch of the general assembly; and shall perform such other duties as shall be assigned him by law, and shall receive a salary of eight hundred dollars, and no more, except fees; *Provided*, that if the office of secretary of state should be vacated by death, resignation or otherwise, it shall be the duty of the governor to appoint another, who shall hold his office until another secretary be elected and qualified."

On motion of Mr. Peters,

The previous question was ordered.

The question was taken on striking out the 21st section, as amended, and inserting in lieu thereof the substitute offered by Mr. Pratt, and decided in the affirmative.

The question was then taken, by yeas and nays, on the adoption of the 21st section, as amended,

And decided in the affirmative,	{	Yeas,	.	.	.	.	76
	{	Nays,	.	.	.	.	59



Those voting in the affirmative, are,

Mr. Adams	Mr. Eccles	Mr. Markley
Allen	Evey	T. A. Marshall
Anderson	Frick	Mieure
Armstrong	P. Green	Moffett
Atherton	W. B. Green	Northcott
Blakely	Gregg	Oliver
Bond	Harding	Pace
Bosbyshell	Harlan	H. D. Palmer
Brockman	Harvey	Pratt
Butler	Hatch	Rives
Caldwell	Hawley	Roman
Canady	Heacock	Rountree
Carter	Henderson	Scates
F. S. Casey	Hill	Shields
Z. Casey	Hogue	Shumway
Church	Jenkins	Sim
Crain	Knox	E. O. Smith
R. J. Cross	Lander	J. Smith
S. J. Cross	Lasater	Spencer
Dale	Lemon	Stadden
J. M. Davis	Loudon	Thornton
T. G. C. Davis	McCallen	Tuttle
Deitz	McCully	West
Dement	McClure	Williams
Dunn	Manly	Mr. President.
Dunsmore		

Those voting in the negative, are,

Mr. Akin	Mr. Huston	Mr. Peters
Blair	Jackson	Powers
Brown	James	Robinson
Colby	Judd	Servant
Constable	Kenner	Sharpe
D. Davis	A. R. Knapp	Sibley
Dawson	N. M. Knapp	Simpson
Dummer	Knowlton	Singleton
Dunlap	Kreider	Swan
Edmonson	Laughlin	Thomas
C. Edwards	Lockwood	Turnbull
N. W. Edwards	Logan	Turner
Graham	McHatton	Tutt
Geddes	F. S. D. Marshall	Vance
Harper	Mason	Webber
Hay	Minshall	Witt
Hayes	Moore	Whiteside
Holmes	Morris	Whitney
Hunsaker	Nichols	Worcester.
Hurlbut	J. M. Palmer	

The question was then taken on concurring with the committee of the whole, in the amendments made to the 22d section, and decided in the affirmative.

The question was taken on the adoption of the 22d section, as amended, and decided in the affirmative.

The question was taken on the adoption of the 23d section, and decided in the affirmative.

Mr. Shumway moved to reconsider the vote taken on yesterday, on the adoption of the 20th section, as amended.



The question was taken, by yeas and nays,

And decided in the negative, - - - { Yeas, . . . . 68  
Nays, . . . . 73

Those voting in the affirmative, are,

Mr. Akin  
Allen  
Anderson  
Armstrong  
Atherton  
Blair  
Bosbyshell  
Brockman  
Brown  
Butler  
Caldwell  
J. M. Campbell  
Carter  
F. S. Casey  
Z. Casey  
Churchill  
Colby  
Crain  
S. J. Cross  
Dale  
T. G. C. Davis  
Dement  
Dunn

Mr. Evey  
Farwell  
Frick  
Gregg  
Harvey  
Hatch  
Hawley  
Hayes  
Heacock  
Henderson  
Hogue  
Hunsaker  
Huston  
James  
Kreider  
Lasater  
Laughlin  
McCully  
McClure  
McHatton  
Markley  
Moore  
Morris

Mr. Nichols  
Oliver  
Pace  
J. M. Palmer  
Peters  
Powers  
Pratt  
Robbins  
Robinson  
Rountree  
Scates  
Sharpe  
Sherman  
Shumway  
Simpson  
J. Smith  
Tutt  
Witt  
Whiteside  
Whitney  
Worcester  
Mr. President.

Those voting in the negative, are,

Mr. Adams  
Bond  
Canady  
Church  
Constable  
R. J. Cross  
D. Davis  
J. M. Davis  
Dawson  
Deitz  
Dummer  
Dunlap  
Dunsmore  
Eccles  
Edmonson  
C. Edwards  
N. W. Edwards  
Graham  
Geddes  
H. K. Green  
P. Green  
W. B. Green  
Harding  
Harlan  
Harper

Mr. Hay  
Holmes  
Hurlbut  
Jackson  
Jenkins  
Judd  
Kenner  
A. R. Knapp  
N. M. Knapp  
Knowlton  
Knox  
Lander  
Lemon  
Lockwood  
Logan  
Loudon  
McCallen  
Manly  
F. S. D. Marshall  
T. A. Marshall  
Mason  
Mieure  
Miller  
Minshall

Mr. Moffett  
Northcott  
H. D. Palmer  
Pinckney  
Rives  
Roman  
Servant  
Shields  
Sibley  
Sim  
Singleton  
E. O. Smith  
Spencer  
Stadden  
Swan  
Thomas  
Thornton  
Turnbull  
Turner  
Tuttle  
Vance  
Webber  
West  
Williams.



Mr. Scates moved to reconsider the vote taken on yesterday, on the adoption of the 3d section, as amended.

On motion of Mr. Deitz,

The main question was ordered.

The question was taken, by yeas and nays, on reconsideration,

And decided in the negative,	{ Yeas,	:	:	:	:	42
	{ Nays,	:	:	:	:	101

Those voting in the affirmative, are,

Mr. Akin	Mr. Hatch	Mr. Morris
Armstrong	Hawley	Nichols
Blakely	Heacock	J. M. Palmer
Brown	Henderson	Powers
Butler	Huston	Pratt
J. M. Campbell	James	Rountree
F. S. Casey	Jenkins	Scates
Z. Casey	Kreider	Sherman
Churchill	Lasater	Shumway
S. J. Cross	Laughlin	Simpson
Dale	McHatton	Webber
Dement	Manly	West
Gregg	Markley	Whiteside
Harvey	Moore	Mr. President.

Those voting in the negative, are,

Mr. Adams	Mr. W. B. Green	Mr. Northcott
Allen	Harding	Oliver
Anderson	Harlan	Pace
Atherton	Harper	H. D. Palmer
Blair	Hay	Peters
Bond	Hayes	Pinckney
Bosbyshell	Hill	Rives
Brockman	Hogue	Robbins
Caldwell	Holmes	Robinson
Canady	Hunsaker	Roman
Carter	Hurlbut	Servant
Church	Jackson	Sharpe
Constable	Judd	Shields
Crain	Kenner	Sibley
R. J. Cross	A. R. Knapp	Sim
D. Davis	N. M. Knapp	Singleton
J. M. Davis	Knowlton	E. O. Smith
T. G. C. Davis	Knox	J. Smith
Dawson	Lander	Spencer
Deitz	Lemon	Stadden
Dummer	Lockwood	Swan
Dunlap	Logan	Thomas
Dunn	Loudon	Thornton
Dunsmore	McCallen	Trower
Eccles	McCully	Turnbull
Edmonson	McClure	Turner
C. Edwards	F. S. D. Marshall	Tutt
N. W. Edwards	T. A. Marshall	Tuttle
Farwell	Mason	Vance
Frick	Matheny	Williams
Graham	Mieure	Witt
Geddes	Miller	Whitney
H. R. Green	Minshall	Worcester.
P. Green	Moffett	



Mr. Witt moved to reconsider the vote taken on yesterday, on the adoption of the 5th section, as amended.

The question was taken, by yeas and nays,

And decided in the negative,	{ Yeas,	:	:	:	:	64
	{ Nays,	:	:	:	:	76

Those voting in the affirmative, are,

Mr. Akin	Mr. P. Green	Mr. Morris
Armstrong	Harlan	Nichols
Blakely	Harvey	Northcott
Bond	Hunsaker	Oliver
Brown	James	Pace
Caldwell	Jenkins	H. D. Palmer
J. M. Campbell	Judd	Rives
Carter	Kenner	Robbins
F. S. Casey	A. R. Knapp	Robinson
Zadok Casey	Kreider	Rountree
Churchill	Lander	Scates
Crain	Lasater	Shields
S. J. Cross	Lemon	Shumway
Dale	Loudon	Sim
D. Davis	McCully	E. O. Smith
J. M. Davis	Manly	J. Smith
T. G. C. Davis	Markley	Swan
Eccles	T. A. Marshall	Thornton
Edmonson	Mieure	Trower
C. Edwards	Miller	Tutt
Frick	Moffett	Witt.
Graham		

Those voting in the negative, are,

Mr. Adams	Mr. Hatch	Mr. J. M. Palmer
Allen	Hawley	Peters
Anderson	Hay	Powers
Atherton	Hayes	Pratt
Blair	Heacock	Roman
Bosbyshell	Henderson	Servant
Brockman	Hill	Sharpe
Butler	Hogue	Sherman
Canady	Holmes	Sibley
Church	Hurlbut	Simpson
Colby	Huston	Singleton
Constable	Jackson	Spencer
R. J. Cross	N. M. Knapp	Stadden
Deitz	Knowlton	Thomas
Dement	Knox	Turnbull
Dummer	Laughlin	Turner
Dunlap	Lockwood	Tuttle
Dunn	Logan	Vance
Dunsmore	McCallen	Webber
N. W. Edwards	McClure	West
Geddes	McHatton	Williams
H. R. Green	F. S. D. Marshall	Whiteside
W. B. Green	Matheny	Whitney
Gregg	Minshall	Worcester
Harding	Moore	Mr. President.
Harper		



Mr. Thomas moved to amend the report, as amended, by adding thereto the following as an additional section:

"Sec. —. The governor shall nominate, and by and with the advice and consent of the senate, appoint all officers in this state whose offices are established by this constitution, or shall be created by law, and whose appointments are not herein otherwise provided for; *Provided*, that two-thirds of the senate shall concur in the nomination; *And provided further*, that offices, whose jurisdiction, powers and duties may be confined within the limits of a county, and whose appointments are not herein otherwise provided for, shall be elected by the people of such county."

Mr. Scates moved to substitute for the proposed additional section the following:

"The general assembly shall provide by law for the filling of all offices not provided for in this constitution."

On motion of Mr. Z. Casey,

The amendments were laid on the table.

On motion of Mr. Turnbull,

The report, as amended and adopted, was referred to the committee on the Revision and Adjustment of the Articles of the Constitution.

On motion of Mr. Singleton,

The report of the select committee of twenty-seven on the Judiciary Department, was taken from the table for consideration.

Mr. Shumway moved to suspend the rules temporarily, to enable him to offer an additional rule.

The motion was lost.

Mr. Dement moved to strike out the first twelve sections of the majority report, and to substitute for them the minority report made by Mr. Dement, on that Department.

On motion,

The convention adjourned until 3 o'clock, P. M.

### THREE O'CLOCK, P. M.

The convention assembled pursuant to adjournment.

On motion of Mr. Bond,

A call of the convention was ordered.

The call was proceeded in for some time, when it appeared that,

Messrs. Archer, Ballingall, Blakely, Bosbyshell, Brown, Bansen, T. Campbell, Carter, Choate, Church, Colby, H. R. Green, P. Green, Grimshaw, Heacock, Hoes, Holmes, S. Kinney, W. C. Kinney, N. M. Knapp, Laughlin, McCallen, Matheny, Miller, Northcott, Norton, Servant, Sherman, Thompson, Vernor, Wead, Webber, West, Whitney, and Woodson, were absent.—35.

On motion of Mr. Shumway,

Further proceedings under the call were dispensed with.

The question pending when the convention adjourned this morning, was on the motion made by Mr. Dement, to strike out the first twelve sections of the majority report of the select committee of twenty-seven on



the Judiciary Department, and to substitute for them the minority report made by Mr. Dement.

The question was taken, by yeas and nays,

And decided in the negative,	{ Yeas,	:	:	:	:	64
	{ Nays,	:	:	:	:	80

Those voting in the affirmative, are,

Mr. Akin	Mr. Evey	Mr. McHatton
Allen	Farwell	Manly
Anderson	Gregg	Markley
Armstrong	Harvey	Moore
Atherton	Hatch	Morris
Blair	Hawley	Nichols
Blakely	Henderson	Pace
Bosbyshell	Hill	Powers
Brockman	Hoes	Pratt
Brown	Hogue	Rountree
Butler	Hunsaker	Scates
J. M. Campbell	Huston	Sharpe
Carter	James	Shields
F. S. Casey	Jenkins	Shumway
Z. Casey	Kitchell	Simpson
Colby	Kreider	Stadden
Crain	Lasater	Tutt
S. J. Cross	Laughlin	Witt
Dale	Linley	Whiteside
Dement	McCully	Worcester
Dunlap	McClure	Mr. President.
Edmonson		

Those voting in the negative, are,

Mr. Adams	Mr. Hay	Mr. Northcott
Bond	Hayes	H. D. Palmer
Caldwell	Heacock	Peterson
Canady	Holmes	Rives
Church	Hurlbut	Robbins
Churchill	Jackson	Robinson
Constable	Jones	Roman
R. J. Cross	Judd	Servant
D. Davis	Kenner	Sibley
J. M. Davis	A. R. Knapp	Sim
T. G. C. Davis	N. M. Knapp	Singleton
Dawson	Knowlton	E. O. Smith
Deitz	Knox	J. Smith
Dummer	Lander	Spencer
Dunsmore	Lemon	Swan
Eccles	Lockwood	Thomas
C. Edwards	Logan	Thornton
N. W. Edwards	Loudon	Trower
Frick	McCallen	Turnbull
Graham	F. S. D. Marshall	Turner
Geddes	T. A. Marshall	Tuttle
H. R. Green	Mason	Vance
P. Green	Matheny	Webber
W. B. Green	Mieure	West
Harding	Miller	Williams
Harlan	Minshall	Whitney.
Harper	Moffett	



On motion of Mr. D. Davis,

*Ordered*, That the report be considered by sections.

Mr. Gregg moved to amend the first section by adding thereto the following proviso:

"*Provided*, that inferior local courts of civil and criminal jurisdiction may be established by the general assembly in the cities of this state, but such courts shall have a uniform organization and jurisdiction in such cities."

The question was taken, and decided in the affirmative.

Mr. Farwell moved to amend the same section, as amended, by striking out all after the words "circuit courts," and by inserting the words "and such other courts of inferior jurisdiction, as the legislature from time to time shall create."

The question was taken, and decided in the negative.

The question was taken on the adoption of the first section, as amended, and decided in the affirmative.

Mr. Singleton moved to amend the second section by adding thereto the following:

"And no person who has been once elected or appointed judge of any court of record created or authorized by this constitution, or by any act of the general assembly of this state after the adoption hereof; and who shall have entered upon his or their official duties, or otherwise signified his or their acceptance of the office, shall be eligible to a re-election, or appointment to any like office, created or authorized as aforesaid, nor shall any such person be eligible to any other office in the gift of the people, or either of the departments of the government of this state for the period of two years after the expiration of the term for which he or they were elected or appointed judge."

The question was taken, by yeas and nays, on the adoption of the amendment,

And decided in the negative,	{ Yeas,	:	:	:	:	11
	{ Nays,	:	:	:	:	110

Those voting in the affirmative, are,

Mr. Bosbyshell  
N. W. Edwards  
W. B. Green  
Hayes.

Mr. James  
Jenkins  
Lockwood  
Servant

Mr. Singleton  
West  
Whiteside.

Those voting in the negative, are,

Mr. Akin  
Allen  
Anderson  
Armstrong  
Atherton  
Blair  
Blakely  
Bond  
Brockman  
Caldwell

Mr. Canady  
Carter  
F. S. Casey  
Z. Casey  
Church  
Churchill  
Constable  
Crain  
R. J. Cross  
Dale

Mr. J. M. Davis  
Dawson  
Deitz  
Dummer  
Dunlap  
Dunn  
Dunsmore  
Eccles  
Edmonson  
C. Edwards



Mr. Evey	Mr. Knox	Mr. Rives
Frick	Kreider	Robbins
Graham	Lander	Robinson
Geddes	Lasater	Roman
H. R. Green	Laughlin	Rountree
P. Green	Lemon	Scates
Gregg	Loudon	Shields
Harding	McCallen	Shumway
Harlan	McCully	Sibley
Harper	McClure	Sim
Harvey	McHatton	Simpson
Hatch	Manly	E. O. Smith
Hawley	Markley	Spencer
Hay	F. S. D. Marshall	Stadden
Heacock	T. A. Marshall	Swan
Henderson	Mason	Thornton
Hill	Matheny	Trower
Hogue	Mieure	Turnbull
Hunsaker	Minshall	Turner
Hurlbut	Moffet	Tutt
Huston	Moore	Tuttle
Jackson	Nichols	Vance
Jones	Northcott	Webber
Kitchell	Oliver	Williams
A. R. Knapp	Pace	Witt
N. M. Knapp	H. D. Palmer	Worcester.
Knowlton	Pratt	Mr. President.

On motion,

The convention adjourned.

### FRIDAY, AUGUST 13, 1847.

The convention assembled pursuant to adjournment.

Prayer by Rev. Mr. Shields, a member.

The journal of yesterday was read.

On motion of Mr. Roman,

Leave of absence was granted to Mr. Bunsen for eight days, in consequence of sickness.

On motion of Mr. Northcott,

Leave of absence was granted to Mr. N. M. Knapp for ten days.

On motion of Mr. Manly,

Leave of absence was granted to Mr. Dunn for eight days, in consequence of sickness in his family.

Mr. Sim presented the petition of John C. Hanna, and forty-seven others, praying that effective provision may be made in the new constitution for an exemption of 160 acres of land, or a town lot of one acre, with the improvements, from forced sale and mortgage, &c.

On motion of Mr. Sim,

The petition was laid on the table.

On motion of Mr. N. W. Edwards,

A call of the convention was ordered.

The call was proceeded in for some time, when it appeared that the following members were absent, viz:

Messrs. Adams, Archer, Ballingall, Brown, Bunsen, T. Campbell, Choate, Church, Constable, T. G. C. Davis, Dement, Dunn, Farwell, P.



Green, Gregg, Grimshaw, Harvey, Holmes, S. Kinney, W. C. Kinney, Kitchell, N. M. Knapp, Lockwood, Logan, Matheny, Minshall, Norton, Pinckney, Scates, Sharpe, Sherman, Shumway, Thompson, Vernor, Wead, and Woodson—36.

On motion of Mr. Z. Casey,

Further proceedings under the call were dispensed with.

On motion of Mr. Robbins,

Leave of absence was granted to Mr. Kitchell for eight days.

Mr. Spencer moved that the rules be temporarily suspended to enable him to offer a resolution.

The question was taken, by yeas and nays, on the suspension, (two-thirds being necessary,)

And decided in the negative,	{ Yeas,	: . . . .	81
	{ Nays,	: . . . .	49

Those voting in the affirmative, are,

Mr. Akin  
Allen  
Anderson  
Atherton  
Blair  
Blakely  
Brockman  
Butler  
Caldwell  
Canady  
Carter  
F. S. Casey  
Z. Casey  
Dale  
J. M. Davis  
Dawson  
Deitz  
Dunlap  
Dunsmore  
Eccles  
Edmonson  
C. Edwards  
N. W. Edwards  
Evey  
Frick  
Graham  
Harlan

Mr. Harper  
Harvey  
Hawley  
Hay  
Hayes  
Hill  
Hunsaker  
Huston  
Jackson  
James  
Judd  
Kreider  
Lasater  
Laughlin  
Lemon  
Linley  
McCallen  
McCully  
McHatton  
Manly  
Markley  
F. S. D. Marshall  
T. A. Marshall  
Moffett  
Morris  
Nichols  
Northcott

Mr. Oliver  
Pace  
H. D. Palmer  
J. M. Palmer  
Powers  
Rives  
Robbins  
Robinson  
Rountree  
Scates  
Sharpe  
Shields  
Shumway  
Sibley  
Sim  
Simpson  
Singleton  
E. O. Smith  
Spencer  
Stadden  
Thornton  
Trower  
Turnbull  
Tuttle  
Webber  
Witt  
Worcester.

Those voting in the negative, are,

Mr. Armstrong  
Bond  
Bosbyshell  
Brown  
J. M. Campbell  
Church  
Churchill  
Colby  
Crain  
R. J. Cross

Mr. S. J. Cross  
D. Davis  
Dummer  
Geddes  
H. R. Green  
W. B. Green  
Harding  
Hatch  
Heacock  
Henderson

Mr. Hoes  
Hogue  
Hurlbut  
Jenkins  
Jones  
Kenner  
A. R. Knapp  
Knowlton  
Knox



Mr. Lander  
Loudon  
McClure  
Mason  
Mieure  
Miller  
Moore

Mr. Peters  
Servant  
J. Smith  
Swan  
Thomas  
Turner  
Tutt

Mr. Vance  
West  
Williams  
Whiteside  
Whitney  
Mr. President.

The question pending when the convention adjourned on yesterday, was on the adoption of the second section of the report of the select committee of twenty-seven on the Judiciary Department.

The question was taken, and decided in the affirmative.

Mr. Butler moved to postpone for the present the consideration of the 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th and 12th sections, and to proceed to the consideration of the succeeding sections.

The question was taken, and decided in the negative.

Mr. Servant moved to substitute the following for the third section:

"The governor shall nominate, and by and with the consent of the senate, appoint the judges of the supreme court (two-thirds of all the senators elected concurring therein;) said judges shall hold their office for the term of nine years, and until their successors shall be commissioned and qualified; *Provided*, that the office of one of the three judges first appointed, shall be vacated at the end of three years; of one at the end of six years, and of one at the end of nine years; to be determined by lot by the said judges when they shall be commissioned and qualified; and after the terms of the first three judges shall have expired, as herein provided, the judges shall be appointed and commissioned for the term of nine years."

Mr. Lockwood moved to amend the substitute by substituting therefor the following:

"The judges of the supreme court shall be appointed by the governor, and with the advice and consent of two-thirds of all the senators elected; and shall hold their offices for the period of fifteen years, and until their successors are appointed and qualified, and the said judges shall not be re-eligible to said office."

The question was taken, and the amendment for the substitute rejected.

The question was taken, by yeas and nays, on the adoption of the substitute offered by Mr. Servant,

And decided in the negative,      { Yeas,      :      :      :      :      38  
   { Nays,      :      :      :      :      103

Those voting in the affirmative, are,

Anderson  
Armstrong  
Bosbyshell  
Farwell  
Frick  
Graham  
Geddes  
H. R. Green  
W. B. Green  
Harper  
Hay  
Hayes  
Holmes

Mr. Huston  
Jackson  
Judd  
Knowlton  
Knox  
Laughlin  
Linley  
McHatton  
F. S. D. Marshall  
Mason  
Miller  
Moore  
Morris

Mr. Northcott  
J. M. Palmer  
Peters  
Powers  
Robinson  
Servant  
Sharpe  
Simpson  
Thornton  
Vance  
Webber  
West.



Mr. Adams	Mr. P. Green	Mr. Moffett
Allen	Harding	Nichols
Atherton	Harlan	Oliver
Blair	Harvey	Pace
Blakely	Hatch	H. D. Palmer
Bond	Hawley	Pinckney
Brockman	Heacock	Pratt
Brown	Henderson	Rives
Butler	Hill	Robbins
Caldwell	Hoes	Roman
J. M. Campbell	Hogue	Rountree
Canady	Hunsaker	Scates
Carter	Hurlbut	Shields
F. S. Casey	James	Shumway
Z. Casey	Jenkins	Sibley
Church	Jones	Sim
Churchill	Kenner	Singleton
Constable	A. R. Knapp	E. O. Smith
Crain	Kreider	J. Smith
R. J. Cross	Lander	Spencer
S. J. Cross	Lasater	Stadden
Dale	Lemon	Swan
D. Davis	Lockwood	Thomas
J. M. Davis	Logan	Trower
Dawson	Loudon	Turnbull
Deitz	McCallen	Turner
Dummer	McCully	Tutt
Dunlap	McClure	Tuttle
Dunsmore	Manly	Williams
Eccles	Markley	Witt
Edmonson	T. A. Marshall	Whiteside
C. Edwards	Matheny	Whitney
N. W. Edwards	Mieure	Worcester
Evey	Minshall	Mr. President.

Mr. Armstrong moved to substitute the following for the third section

“The justices of the supreme court shall be elected by the qualified voters of the state, on the first Monday of March after the adoption of this article; returns whereof shall be made to the secretary of state, who shall count the same in the presence of the governor and auditor, or either of them; the three persons having the highest number of votes shall be elected.”

Mr. Singleton moved to amend the substitute by adding thereto the following:

“And be forever ineligible to re-election.”

The question was taken, and decided in the negative.

Mr. Pratt moved to amend the substitute by substituting therefor the following:

“The state shall be divided into three districts, as nearly equal in population as may be. The justices of the supreme court shall be elected by the qualified electors of the state, one of whom shall be selected from, and reside in each district.”

The question was taken, by yeas and nays, on the amendment to the substitute,

And decided in the negative,	{ Yeas,	:	:	:	:	42
	{ Nays,	:	:	:	:	86



Those voting in the affirmative, are,

Mr. Akin	Mr. Farwell	Mr. Manly
Allen	Hawley	Markley
Anderson	Henderson	Morris
Blair	Hurlbut	Nichols
Blakely	Huston	Oliver
Bosbyshell	Jenkins	H. D. Palmer
Brown	Jones	Pratt
Butler	Kreider	Scates
Carter	Laughlin	Sharpe
F. S. Casey	Linley	Shields
Crain	Lockwood	Simpson
Dunlap	McCully	Singleton
Edmonson	McClure	Witt
Evey	McHatton	Whiteside.

Those who voted in the negative, are,

Mr. Adams	Mr. Harding	Mr. Moore
Armstrong	Harlan	Northcott
Atherton	Harper	Pace
Bond	Harvey	J. M. Palmer
Brockman	Hatch	Pinckney
Caldwell	Hay	Rives
J. M. Campbell	Hayes	Robbins
Canady	Hill	Robinson
Z. Casey	Hogue	Roman
Church	Holmes	Rountree
Churchill	Hunsaker	Servant
Constable	Jackson	Sibley
R. J. Cross	James	Sim
S. J. Cross	Judd	E. O. Smith
Dale	Kenner	J. Smith
D. Davis	A. R. Knapp	Spencer
J. M. Davis	Knowlton	Stadden
T. G. C. Davis	Knox	Swan
Dawson	Lander	Thomas
Deitz	Lasater	Thornton
Dummer	Lemon	Trower
Dunsmore	Logan	Turnbull
Eccles	Loudon	Turner
C. Edwards	McCallen	Tutt
N. W. Edwards	F. S. D. Marshall	Tuttle
Frick	T. A. Marshall	Vance
Graham	Mason	Webber
Geddes	Matheny	West
H. R. Green	Mieure	Williams
P. Green	Miller	Whitney
W. B. Green	Minshall	Worcester
Grimshaw	Moffett	Mr. President.

The question was taken, by yeas and nays, on the adoption of the substitute for the third section,

And decided in the negative, - - - { Yeas, . . . . 60  
Nays, . . . . 77



Those voting in the affirmative, are,

Mr. Akin  
Anderson  
Armstrong  
Blair  
Bosbyshell  
Brockman  
Brown  
Butler  
J. M. Campbell  
Carter  
F. S. Casey  
Z. Casey  
Crain  
S. J. Cross  
Dale  
Dunlap  
Edmonson  
Evey  
Farwell  
Harvey

Mr. Hatch  
Hawley  
Henderson  
Hill  
Hoes  
Hogue  
Hunsaker  
Huston  
James  
Jenkins  
Kreider  
Lasater  
Laughlin  
Linley  
McCully  
McClure  
McHatton  
Manly  
Markley  
Moore

Mr. Morris  
Nichols  
Oliver  
Pace  
J. M. Palmer  
Pratt  
Roman  
Rountree  
Scates  
Sharpe  
Simpson  
Singleton  
J. Smith  
Stadden  
Tutt  
Webber  
Witt  
Whiteside  
Worcester  
Mr. President.

Those voting in the negative, are,

Mr. Adams  
Atherton  
Caldwell  
Canady  
Church  
Churchill  
Constable  
R. J. Cross  
D. Davis  
J. M. Davis  
T. G. C. Davis  
Dawson  
Deitz  
Dummer  
Dunsmore  
Eccles  
C. Edwards  
N. W. Edwards  
Frick  
Graham  
Geddes  
H. R. Green  
P. Green  
W. B. Green  
Grimshaw  
Harding

Mr. Harlan  
Harper  
Hay  
Hayes  
Holmes  
Hurlbut  
Jackson  
Jones  
Judd  
Kenner  
A. R. Knapp  
Knowlton  
Knox  
Lander  
Lemon  
Lockwood  
Logan  
Loudon  
McCallen  
F. S. D. Marshall  
T. A. Marshall  
Mason  
Matheny  
Mieure  
Miller  
Minshall

Mr. Moffett  
Northcott  
H. D. Palmer  
Pinckney  
Powers  
Rives  
Robbins  
Robinson  
Servant  
Shields  
Sibley  
Sim  
E. O. Smith  
Spencer  
Swan  
Thomas  
Thornton  
Trower  
Turnbull  
Turner  
Tuttle  
Vance  
West  
Williams  
Whitney.

Mr. Geddes offered the following as a substitute for the third section

“The governor shall nominate, and by and with the advice and consent of the senate, (a majority of the senators elected concurring therein,) appoint the judges of the supreme court. Said judges shall hold the office for the term of nine years, and until their successors shall be commissioned and qualified; *Provided*, that the office of one of the three judges first appointed shall be vacated at the end of the three years; one at the end of six years, and of one at the end of nine years; to be determined by lot by the said judges when they shall be commissioned and



qualified; and after the terms of the first three judges shall have expired, as herein provided, the judges shall be appointed and commissioned for the term of nine years."

On motion of Mr. Constable,

The main question was ordered.

The question was taken on the substitute, and decided in the negative.

Mr. Kenner called for a division, so as to vote first on the adoption of so much of the section as is not included in the proviso.

The question was taken, by yeas and nays, on ordering a division,

And decided in the negative, {	Yeas,	:	:	:	:	40
	Nays,	:	:	:	:	95

Those voting in the affirmative, are,

Mr. Adams	Mr. Holmes	Mr. J. M. Palmer
R. J. Cross	Hurlbut	Pinckney
Deitz	Jackson	Rives
Dummer	Judd	Robinson
Eccles	Kenner	Sibley
Geddes	Lockwood	Sim
P. Green	F. S. D. Marshall	Thornton
W. B. Green	T. A. Marshall	Trower
Harding	Mason	Turnbull
Harlan	Matheny	Turner
Harper	Miller	Tutt
Hawley	Minshall	Tuttle
Hay	Northcott	Vance.
Hayes		

Those voting in the negative, are,

Mr. Akin	Mr. Dunlap	Mr. Linley
Allen	Dunsmore	Logan
Anderson	Edmonson	Loudon
Armstrong	C. Edwards	McCallen
Atherton	N. W. Edwards	McCully
Blair	Evey	McClure
Blakely	Frick	McHatton
Bond	Graham	Manly
Bosbyshell	Grimshaw	Markley
Brockman	Harvey	Mieure
Brown	Hatch	Moffett
Butler	Henderson	Moore
Caldwell	Hill	Morris
J. M. Campbell	Hoes	Oliver
Canady	Hogue	Pace
Carter	Hunsaker	H. D. Palmer
F. S. Casey	Huston	Peters
Z. Casey	James	Powers
Church	Jenkins	Robbins
Churchill	Jones	Roman
Constable	A. R. Knapp	Rountree
Crain	Knowlton	Scates
S. J. Cross	Knox	Servant
Dale	Kreider	Sharpe
D. Davis	Lander	Shields
J. M. Davis	Lasater	Simpson
T. G. C. Davis	Laughlin	Singleton
Dawson	Lemon	Spencer



Mr. Stadden  
Swan  
Thomas  
Webber

Mr. West  
Williams  
Witt  
Whiteside

Mr. Whitney  
Worcester.  
Mr. President.

The question was taken, by yeas and nays, on the adoption of the third section,

And decided in the affirmative,	{Yeas,	:	:	:	:	88
	{Nays,	:	:	:	:	53

Those voting in the affirmative, are,

Mr. Adams  
Akin  
Allen  
Anderson  
Armstrong  
Atherton  
Blair  
Blakely  
Bond  
Brockman  
Brown  
Butler  
Caldwell  
J. M. Campbell  
Canady  
Church  
Churchill  
Constable  
R. J. Cross  
D. Davis  
J. M. Davis  
T. G. C. Davis  
Dawson  
Dummer  
Dunlap  
Dunsmore  
Eccles  
Edmonson  
C. Edwards  
N. W. Edwards

Mr. Frick  
Graham  
Geddes  
H. R. Green  
P. Green  
W. B. Green  
Grimshaw  
Harlan  
Hawley  
Hay  
Heacock  
Hill  
Holmes  
Hurlbut  
Jackson  
Jenkins  
Jones  
A. R. Knapp  
Knowlton  
Knox  
Lander  
Lemon  
Lockwood  
Logan  
London  
McCallen  
F. S. D. Marshall  
T. A. Marshall  
Matheny

Mr. Mieux  
Miller  
Moffett  
Morris  
Northcott  
H. D. Palmer  
Pinckney  
Powers  
Pratt  
Rives  
Robbins  
Robinson  
Roman  
Servant  
Shields  
Sim  
J. Smith  
Spencer  
Swan  
Thomas  
Trower  
Vance  
Webber  
West  
Williams  
Witt  
Whitney  
Worcester  
Mr. President.

Those voting in the negative, are,

Mr. Bosbyshell  
Carter  
F. S. Casey  
Z. Casey  
Crain  
S. J. Cross  
Dale  
Deitz  
Evey  
Farwell  
Harding  
Harper  
Harvey  
Hatch  
Hayes  
Henderson  
Hoes  
Hogue

Mr. Hunsaker  
Huston  
James  
Judd  
Kenner  
Kreider  
Lasater  
Laughlin  
Linlin  
McCully  
McClure  
McHatton  
Manly  
Markley  
Mason  
Minshall  
Moore

Mr. Oliver  
Pace  
J. M. Palmer  
Peters  
Rountree  
Scates  
Sharpe  
Sibley  
Simpson  
Singleton  
Stadden  
Thornton  
Turnbull  
Turner  
Tutt  
Tuttle  
Whiteside.



Mr. Constable moved a reconsideration of the last vote taken.

The question was taken, and decided in the negative.

Mr. Hogue moved to amend the fourth section by striking out the word "three," in the second and third lines, and to insert the word "two" in lieu thereof; to strike out the word "six," in the second line, and to insert the word "four" in lieu thereof; and to strike out the word "nine," in the same line, and to insert in lieu thereof the word "six."

Mr. Knowlton moved to substitute for the words "two," "four," and "six," proposed to be inserted, the words "four," "eight," and "twelve."

On motion,

The question was taken on striking out, and decided in the negative.

The question was consecutively taken on the adoption of the fourth and fifth sections, and decided in the affirmative.

Mr. Markley moved to amend the sixth section by striking out all after the word "held," in the last line, and to insert in lieu thereof the following:

"In each judicial circuit."

Mr. Minshall proposed as a substitute for the amendment to be added at the end of the section the following:

"*And provided*, that the legislature, after the year 1850, may increase the number of judges to four, but after that addition, the number of justices of the supreme court shall not be increased or diminished."

On motion of Mr. Witt,

The amendment and substitute therefor were laid on the table.

Mr. Armstrong moved to amend the sixth section by inserting after the word "and," in the second line, the words "at such place or."

Mr. Scates proposed as a substitute for the amendment, to strike out the words "and places," in the second line, and to insert before the words "at such times," the words "at one place."

The question was taken, and the substitute rejected.

The question was taken on the amendment proposed by Mr. Armstrong, and decided in the affirmative.

Mr. Harding moved to amend the same section, by adding at the end thereof the words "in each grand division."

Mr. Hurlbut moved to substitute for the amendment the words "in the state."

On motion,

The convention adjourned to 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

On motion of Mr. D. Davis,

A call of the convention was ordered;

The call was proceeded in for some time, when it appeared that the following members were absent, viz:

Messrs. Archer, Ballingall, Bosbyshell, Brown, Bunsen, T. Campbell,



Carter, Choate, Dement, Dunn, C. Edwards, Farwell, H. R. Green, Gregg, Grimshaw, Heacock, Hoes, S. Kinney, W. C. Kinney, Kitchell, N. M. Knapp, McCallen, Matheny, Morris, Norton, Robinson, Servant, Sherman, E. O. Smith, Thompson, Vernor, Wead, Williams, and Woodson—34.

On motion of Mr. Northcott,

Further proceedings under the call were dispensed with.

The question pending when the convention adjourned was on the substitute proposed by Mr. Hurlbut for the amendment offered by Mr. Harding to the sixth section, as amended, of the report of the select committee of twenty-seven on the Judiciary Department.

Mr. Harding withdrew his amendment.

Mr. Hurlbut moved to amend the same section, by adding at the end thereof the words "in the state."

The question was taken, and decided in the affirmative.

Mr. Harding moved to amend the same section, as amended, by striking out all after the word "divisions."

The question was taken, by yeas and nays,

And decided in the negative,	{ Yeas,	:	:	:	:	64
	{ Nays,	:	:	:	:	69

Those voting in the affirmative, are,

Mr. Adams	Mr. Jenkins	Mr. Roman
Akin	Jones	Scates
Allen	Judd	Servant
Armstrong	Kenner	Shields
Atherton	A. R. Knapp	Sibley
Blakely	Knox	Sim
F. S. Casey	Kreider	Singleton
Z. Casey	Lander	Stadden
Crain	Lasater	Swan
S. J. Cross	Manly	Thornton
J. M. Davis	Mieure	Trower
Deitz	Miller	Turnbull
Dummer	Minshall	Turner
Dunsmore	Moore	Tutt
Frick	Nichols	Tuttle
P. Green	Oliver	Vance
Grimshaw	Pace	Webber
Harding	Pinckney	Witt
Harlan	Pratt	Whiteside
Harper	Rives	Whitney
Hunsaker	Robinson	Worcester.
Huston		

Those voting in the negative, are,

Mr. Anderson	Mr. Canady	Mr. T. G. C. Davis
Blair	Church	Dawson
Bond	Churchill	Dunlap
Brockman	Colby	Eccles
Brown	Constable	Edmonson
Butler	R. J. Cross	C. Edwards
Caldwell	Dale	N. W. Edwards
J. M. Campbell	D. Davis	Evey



Mr. Graham	Mr. Knowlton	Mr. Northeott
Geddes	Laughlin	H. D. Palmer
W. B. Green	Lemon	J. M. Palmer
Harvey	Linley	Peters
Hatch	Lockwood	Powers
Hay	Logan	Robbins
Hayes	McCully	Rountree
Heacock	McClure	Shumway
Henderson	McHatton	Simpson
Hill	Markley	J. Smith
Hogue	F. S. D. Marshall	Spencer
Holmes	T. A. Marshall	Thomas
Hurlbut	Mason	West
Jackson	Moffett	Williams
James	Morris	Mr. President.

Mr. Geddes moved that the same section, as amended, be further amended by striking out the words "or places."

The question was taken, and the amendment rejected.

Mr. Constable moved to strike out the section, as amended, and to substitute therefor the following:

"The supreme court shall hold one term annually in each of the aforesaid grand divisions, at such time and place in each grand division as shall be directed in this constitution, and the three grand divisions shall be as follows, to wit:

"The counties of \_\_\_\_\_ shall form the first division, and the supreme court shall be held at \_\_\_\_\_, in the county of \_\_\_\_\_."

"The counties of \_\_\_\_\_ shall form the second division, and the supreme court shall be held at \_\_\_\_\_, in the county of \_\_\_\_\_."

"The counties of \_\_\_\_\_ shall form the third division, and the supreme court shall be held at \_\_\_\_\_, in the county of \_\_\_\_\_."

Mr. T. A. Marshall moved to amend the substitute for the sixth section, by substituting therefor the following:

"One term of the supreme court shall be held annually in each judicial circuit, at such time and place as shall be provided."

The question was taken, by yeas and nays, on the adoption of the substitute for the substitute,

And decided in the negative,	{ Yeas,	. . . . .	47
	{ Nays,	. . . . .	90

Those voting in the affirmative, are,

Mr. Armstrong	Mr. P. Green	Mr. Jenkins
Blair	Harding	Kenner
Bosbyshell	Harlan	Knowlton
Brockman	Harvey	Kreider
Butler	Hatch	Laughlin
J. M. Campbell	Hawley	Linley
Carter	Henderson	McClure
Churchill	Hunsaker	McHatton
S. J. Cross	Huston	Manly
Frick	James	Markley



Mr. T. A. Marshall  
Miller  
Moore  
Morris  
Nichols  
Powers

Mr. Rives  
Shields  
Shumway  
Sim  
Simpson

Mr. Singleton  
Spencer  
Stadden  
Trower  
Tutt.

Those voting in the negative, are,

Mr. Adams]  
Akin  
Allen  
Anderson  
Atherton  
Blakely  
Bond  
Brown  
Caldwell  
Canady  
F. S. Casey  
Z. Casey  
Church  
Colby  
Constable  
Crain  
R. J. Cross  
Dale  
D. Davis  
J. M. Davis  
T. G. C. Davis  
Dawson  
Dummer  
Dunlap  
Dunsmore  
Eccles  
Edmonson  
C. Edwards  
N. W. Edwards  
Evey

Mr. Graham  
Geddes  
W. P. Green  
Gregg  
Grimshaw  
Harper  
Hay  
Hayes  
Heacock  
Hill  
Hogue  
Holmes  
Hurlbut  
Jackson  
Jones  
Judd  
A. R. Knapp  
Knox  
Lander  
Lasater  
Lemon  
Lockwood  
Logan  
Loudon  
McCully  
F. S. D. Marshall  
Mieure  
Minshall  
Moffett  
Northcott

Mr. Oliver  
Pace  
H. D. Palmer  
J. M. Palmer  
Peters  
Pinckney  
Pratt  
Robinson  
Roman  
Rountree  
Scates  
Servant  
Sharpe  
Sibley  
J. Smith  
Swan  
Thomas  
Thornton  
Turnbull  
Turner  
Tuttle  
Vance  
Webber  
West  
Williams  
Witt  
Whiteside  
Whitney  
Worcester  
Mr. President.

Mr. Harvey called for a division, so as to vote first on striking out.  
The question was taken, and decided in the negative.

The question was taken, by yeas and nays, on the adoption of the substitute offered by Mr. Harding,

And decided in the negative,	{ Yeas,	:	:	:	:	63
	{ Nays,	:	:	:	:	71

Those voting in the affirmative, are,

Mr. Adams  
Akin  
Allen  
Atherton  
Blakely  
Brockman  
J. M. Campbell  
Canady  
Carter  
F. S. Casey  
Z. Casey

Mr. Church  
Constable  
Crain  
R. J. Cross  
S. J. Cross  
J. M. Davis  
Dummer  
Dunsmore  
Frick  
Geddes  
W. B. Green

Mr. Harding  
Harper  
Hogue  
Hunsaker  
Jackson  
Jenkins  
Kenner  
A. R. Knapp  
Knox  
Lander  
Lasater



Mr. Lemon  
Loudon  
McHatton  
Manly  
Mieure  
Minshall  
Nichols  
Oliver  
H. D. Palmer  
Pinckney

Mr. Pratt  
Robinson  
Scates  
Shields  
Sibley  
Sim  
Simpson  
Swan  
Thornton  
Trower

Mr. Turnbull  
Turner  
Tuttle  
Vance  
Webber  
West  
Witt  
Whiteside  
Whitney  
Worcester.

Those voting in the negative, are,

Mr. Anderson  
Armstrong  
Blair  
Bond  
Bosbyshell  
Brown  
Butler  
Caldwell  
Churchill  
Colby  
Dale  
T. G. C. Davis  
Dawson  
Deitz  
Dunlap  
Eccles  
Edmonson  
C. Edwards  
N. W. Edwards  
Evey  
Graham  
P. Green  
Gregg  
Grimshaw

Mr. Harlan  
Harvey  
Hatch  
Hawley  
Hay  
Hayes  
Heacock  
Henderson  
Hill  
Holmes  
Hurlbut  
Huston  
James  
Jones  
Judd  
Knowlton  
Kreider  
Laughlin  
Linley  
Lockwood  
McCully  
McClure  
Markley  
F. S. D. Marshall

Mr. T. A. Marshall  
Miller  
Moffett  
Moore  
Morris  
Northcott  
Pace  
J. M. Palmer  
Peters  
Powers  
Rives  
Robbins  
Roman  
Rountree  
Servant  
Sharpe  
Shumway  
Singleton  
Spencer  
Stadden  
Thomas  
Tutt  
Mr. President.

Mr. Eccles demanded the previous question.

The question was taken, and decided in the negative.

Mr. Hogue moved to substitute for the section the following:

"The supreme court shall be held at the seat of government once or more in each year, at such time as the general assembly may direct."

Mr. Harding moved to amend the substitute by substituting therefor the following:

"The supreme court shall hold one or more terms annually in but one place in each grand division."

On motion of Mr. Powers,

The main question was ordered,	{ Yeas,	:	:	:	83
	{ Nays,	:	:	:	52

Those voting in the affirmative, are,

Mr. Akin  
Allen  
Anderson  
Blair  
Brown  
Butler

Mr. Caldwell  
Canady  
F. S. Casey  
Z. Casey  
Church  
Churchill

Mr. Dale  
T. G. C. Davis  
Dawson  
Dunlap  
Eccles  
Edmonson



Mr. C. Edwards	Mr. A. R. Knapp	Mr. Pratt
N. W. Edwards	Kreider	Rives
Graham	Lander	Robbins
Geddes	Lemon	Roman
P. Green	Lockwood	Rountree
Gregg	Loudon	Sharpe
Harlan	McCully	Shields
Harper	McHutton	Sibley
Harvey	Manly	Simpson
Hay	F. S. D. Marshall	J. Smith
Hayes	T. A. Marshall	Spencer
Heacock	Miller	Stadden
Hill	Moffett	Thomas
Hogue	Moore	Turnbull
Holmes	Morris	Turner
Hurlbut	Oliver	Tutt
Huston	Pace	Vance
Jackson	H. D. Palmer	Webber
James	J. M. Palmer	West
Jenkins	Peters	Williams
Jones	Pinckney	Whiteside.
Judd	Powers	

Those voting in the negative, are,

Mr. Adams	Mr. W. B. Green	Mr. Mieure
Armstrong	Grimshaw	Minshall
Atherton	Harding	Northcott
Brockman	Hatch	Robinson
J. M. Campbell	Hawley	Scates
Carter	Henderson	Servant
Colby	Hoes	Shumway
Constable	Hunsaker	Sim
Crain	Kenner	Singleton
R. J. Cross	Knowlton	Swan
S. J. Cross	Knox	Thornton
D. Davis	Lasater	Trower
J. M. Davis	Laughlin	Tuttle
Deitz	Linley	Witt
Dummer	Logan	Whitney
Dunsmore	McClure	Worcester
Evey	Markley	Mr. President.
Frick		

The question was taken, by yeas and nays, on the adoption of the substitute for the substitute,

And decided in the negative,	{ Yeas,	:	:	:	:	68
	{ Nays,	:	:	:	:	68

Those voting in the affirmative, are,

Mr. Adams	Mr. Church	Mr. P. Green
Akin	Constable	W. B. Green
Allen	Crain	Harding
Atherton	J. M. Davis	Harper
Brockman	Deitz	Hill
J. M. Campbell	Dummer	Hunsaker
Canady	Dunsmore	Huston
Carter	N. W. Edwards	Jackson
F. S. Casey	Frick	James
Zadok Casey	Geddes	Jenkins



Mr. Judd	Mr. Northcott	Mr. Swan
Kenner	Oliver	Thornton
A. R. Knapp	H. D. Palmer	Trower
Knox	Pinckney	Turnbull
Lemon	Pratt	Turner
Loudon	Robinson	Tuttle
McCallen	Shields	Vance
McHatton	Shumway	Webber
Mason	Sibley	West
Mieure	Sim	Whiteside
Minshall	Simpson	Whitney
Moffett	Spencer	Worcester.
Nichols	Stadden	

Those voting in the negative, are,

Mr. Anderson	Mr. Hatch	Mr. T. A. Marshall
Armstrong	Hay	Miller
Blair	Hayes	Moore
Bond	Heacock	Morris
Brown	Henderson	Pace
Butler	Hoes	J. M. Palmer
Caldwell	Hogue	Peters
Churchill	Holmes	Powers
Colby	Hurlbut	Rives
R. J. Cross	Jones	Robbins
S. J. Cross	Knowlton	Roman
Dale	Kreider	Rountree
D. Davis	Lander	Scates
Dawson	Lasater	Servant
Dunlap	Laughlin	Sharpe
Eccles	Linley	Singleton
Edmonson	Lockwood	J. Smith
C. Edwards	Logan	Thomas
Evey	McCully	Tutt
Graham	McClure	Williams
Grimshaw	Manly	Witt
Harlan	Markley	Mr. President.
Harvey	F. S. D. Marshall	

The question was taken, by yeas and nays, on the adoption of the substitute offered by Mr. Hogue,

And decided in the negative, { Yeas, : : : : 40  
Nays, : : : : 97

Those voting in the affirmative, are,

Mr. Bond	Mr. Jackson	Mr. Pinckney
Brown	Jones	Robinson
Canady	Judd	Scates
Carter	Knox	Servant
Dawson	Lander	Sharpe
N. W. Edwards	Lasater	Sim
Evey	Lemon	Simpson
Graham	Lockwood	Singleton
Geddes	F. S. D. Marshall	Thornton
W. B. Green	Mason	Turner
Harper	Minshall	Tuttle
Hayes	Pace	Witt
Hogue	J. M. Palmer	Worcester.
Holmes		



Those voting in the negative, are,

Mr. Adams	Mr. Gregg	Mr. Miller
Akin	Grimshaw	Moffett
Allen	Harding	Moore
Anderson	Harlan	Morris
Armstrong	Harvey	Nichols
Atherton	Hatch	Northcott
Blair	Hawley	Oliver
Blakely	Hay	H. D. Palmer
Brockman	Heacock	Peters
Butler	Henderson	Powers
Caldwell	Hill	Pratt
J. M. Campbell	Hoes	Rives
F. S. Casey	Hunsaker	Robbins
Z. Casey	Hurlbut	Roman
Church	Huston	Rountree
Churchill	James	Shields
Constable	Jenkins	Shumway
Crain	Kenner	Sibley
R. J. Cross	A. R. Knapp	J. Smith
S. J. Cross	Knowlton	Spencer
Dale	Kreider	Stadden
J. M. Davis	Laughlin	Swan
T. G. C. Davis	Linley	Thomas
Deitz	Loudon	Trower
Dummer	McCallen	Turnbull
Dunlap	McCully	Tutt
Dunsmore	McClure	Vance
Eccles	McHatton	Webber
Edmonson	Manly	Williams
C. Edwards	Markley	Whiteside
Frick	T. A. Marshall	Whitney
P. Green	Mieure	Mr. President.

The question was taken, by yeas and nays, on the adoption of the sixth section, as amended,

And decided in the affirmative,	{ Yeas,	:	:	:	85
	{ Nays,	:	:	:	52

Those voting in the affirmative, are,

Mr. Adams	Mr. T. G. C. Davis	Mr. Holmes
Akin	Dawson	Hurlbut
Anderson	Dunlap	Huston
Armstrong	Dunsmore	James
Blair	Eccles	Jones
Bond	Edmonson	Kenner
Brockman	C. Edwards	A. R. Knapp
Brown	N. W. Edwards	Knowlton
Butler	Geddes	Kreider
Caldwell	P. Green	Laughlin
J. M. Campbell	W. B. Green	Linley
Canady	Gregg	Lockwood
Church	Grimshaw	Logan
Churchill	Harlan	Loudon
Colby	Harvey	McCallen
Crain	Hay	McCully
R. J. Cross	Heacock	McClure
S. J. Cross	Henderson	McHatton
Dale	Hill	Manly



Mr. F. S. D. Marshall  
T. A. Marshall  
Mieure  
Miller  
Moffett  
Nichols  
H. D. Palmer  
Peters  
Pinckney

Mr. Powers  
Pratt  
Rives  
Robbins  
Roman  
Rountree  
Sharpe  
Simpson  
J. Smith

Mr. Spencer  
Thomas  
Tutt  
Vance  
Williams  
Witt  
Whitney  
Mr. President.

Those voting in the negative, are,

Mr. Allen  
Atherton  
Blakely  
Carter  
F. S. Casey  
Z. Casey  
Constable  
J. M. Davis  
Deitz  
Dummer  
Evey  
Frick  
Graham  
Harding  
Harper  
Hatch  
Hawley  
Hayes

Mr. Hoes  
Hogue  
Hunsaker  
Jackson  
Jenkins  
Judd  
Knox  
Lander  
Lasater  
Lemon  
Markley  
Mason  
Minshall  
Moore  
Northcott  
Oliver  
Pace

Mr. J. M. Palmer  
Robinson  
Scates  
Servant  
Shields  
Shumway  
Sibley  
Sim  
Singleton  
Swan  
Thornton  
Turnbull  
Turner  
Tuttle  
Webber  
Whiteside  
Worcester.

Mr. Rountree moved to postpone the consideration of the 7th, 8th, 9th, 10th, 11th and 12th sections for the present.

The question was taken, and decided in the affirmative.

Mr. Armstrong moved that the following be substituted in lieu of the 13th section:

"There shall be in each county in this state a county court, to consist of one judge and two associates, who shall be elected by the qualified voters of the county, on the same day fixed for the election of other judicial officers, who shall hold their offices four years and until their successors are elected and qualified."

Mr. Singleton moved to amend the substitute by substituting therefor the following:

"1st. There shall be in each county in this state a county court, to be composed of the justices of the peace of the several counties. And no other tribunal shall hereafter be created for the management and direction of such matters as may pertain to the internal regulations of the counties.

"2d. Said justice shall not be allowed any other compensation for their services as members of said court than exemption from military duty and labor upon the public highways.

"3d. Said court shall have original jurisdiction of all causes to which the county is or may be a party, and shall exercise all the powers and duties of probate court not conferred by law upon the circuit court, and such other jurisdiction as the legislature may confer."

The rule having been temporarily suspended,

On motion of Mr. Logan,



*Resolved*, That a committee of nine, one from each judicial circuit be appointed to divide the state into three grand divisions, for the election of judges of the supreme court.

2. That said committee be instructed to make said divisions, as nearly equal in population as practicable, and to make said divisions by lines running, as nearly as may be, east and west across the state, with county lines.

3. That said committee be instructed to fix one place in each grand division for holding the supreme court, until otherwise provided by law.

*Ordered*, That Messrs. Logan, Gregg, Pratt, Peters, Harvey, Harlan, Caldwell, Brown and Thomas be that committee.

The rule having been temporarily suspended,

Mr. J. M. Palmer, from the committee on Education, reported the following as suitable to be engrafted in the revised constitution:

### ARTICLE —.

SECTION 1. The moneys received from the United States under the provisions of the act of Congress of the 18th day of April, 1818, for the encouragement of learning, constituting "the school fund," and that bestowed on a college or university, constituting "the college fund," as well as that arising from the sale of lands granted for the use of a seminary of learning, constituting "the seminary fund," with all additions which have been or that may hereafter be made to said funds, or any of them, shall remain perpetual funds and be held by the state for the uses and purposes aforesaid, the annual interest only to be applied to the support of schools, a college or seminaries, under the authority of the general assembly.

SEC. 2. Officers and trustees having the care or control of any school, college or seminary funds, or any school fund of any township in this state for investment, may purchase therewith or invest the same in the bonds of this state, at their market value, under such regulations as the general assembly may prescribe, and it shall be the duty of the general assembly to provide for the prompt payment of the interest on such bonds so purchased as aforesaid, as the same becomes due; *Provided*, that the general assembly may hereafter prohibit or restrict such investments as the public good may require.

SEC. 3. It shall be the duty of the general assembly to provide for a system of common schools, which shall be as nearly uniform as may be throughout the state, and such common schools shall be equally free to all the children in the state, and no sectarian instruction shall be permitted in any of them.

SEC. 4. The superintendency of public instruction in this state shall be vested in an officer to be styled "the superintendent of common schools," and such county and local superintendencies as may be established by law."

SEC. 5. At the first session of the general assembly after the adoption of this constitution, and biennially thereafter, it shall be the duty of the governor, by and with the advice and consent of the senate, (a majority of



all the members elected thereto concurring therein,) to appoint a superintendent of common schools, who shall hold his office for the term of two years and shall perform such duties and receive such salary as the general assembly may prescribe; *Provided*, that vacancies occurring in said office by death, resignation, refusal to act, or otherwise, may be filled by the governor, and persons thus appointed shall continue in office until the end of the next session of the general assembly.

SEC. 6. The preceding section shall continue in force for the term of six years from and after the time at which such first appointment is made in pursuance thereof, and no longer, after which time the general assembly may provide for the continuance of said office or for the election of such office by the people.

On motion of Mr. J. M. Palmer,

The reading of the report was dispensed with, the report laid on the table, and 250 copies ordered to be printed for the use of the convention.

On motion,

The convention adjourned.

## SATURDAY, AUGUST 14, 1847.

The president being absent in consequence of sickness in his family,

On motion of Mr. Rountree,

Hon. Z. Casey was appointed president *pro tempore*; who took the chair.

The journal of yesterday was read and corrected.

The question pending when the convention adjourned on yesterday, was on the substitute offered by Mr. Singleton for the substitute proposed by Mr. Armstrong, for the 13th section of the report of the select committee of twenty-seven on the Judiciary Department.

Mr. Armstrong modified his proposed amendment by striking out the words "on the same day fixed for the election of other judicial officers," and by inserting in lieu of them the words "as shall be provided by the general assembly."

Mr. Archer moved to amend the amendment, as modified, by inserting after the word "associates," the words "the latter being justices of the peace, to be drawn alternately from each precinct in the county."

On motion of Mr. Constable,

The main question was ordered.

The question was taken upon the adoption of the amendment to the amendment, and decided in the negative.

The question was taken, by yeas and nays, upon the adoption of the modified amendment,

And decided in the negative,	{ Yeas,	:	:	:	:	46
	{ Nays,	:	:	:	:	82



Those voting in the affirmative, are,

Mr. Armstrong  
Blair  
Blakely  
Bond  
Bosbyshell  
Brockman  
Churchill  
Crain  
Deitz  
Frick  
W. B. Green  
Gregg  
Harding  
Harper  
Hawley  
Henderson

Mr. Hill  
Hoes  
Hogue  
Jackson  
Jenkins  
Judd  
Kreider  
Laughlin  
Lemon  
Linley  
McClure  
McHatton  
Markley  
F. S. D. Marshall  
Morris

Mr. Nichols  
Rives  
Robinson  
Sharpe  
Shields  
Singleton  
E. O. Smith  
Spencer  
Stadden  
Swan  
Turnbull  
Tutt  
Vance  
Witt  
Whiteside.

Those voting in the negative, are,

Mr. Adams  
Akin  
Allen  
Anderson  
Archer  
Atherton  
Brown  
Butler  
Caldwell  
Carter  
F. S. Casey  
Z. Casey  
Church  
Constable  
R. J. Cross  
Dale  
D. Davis  
J. M. Davis  
T. G. C. Davis  
Dawson  
Dummer  
Dunsmore  
Eccles  
Edmonson  
C. Edwards  
N. W. Edwards  
Evey  
Graham

Mr. Geddes  
H. R. Green  
P. Green  
Grimshaw  
Harlan  
Harvey  
Hatch  
Hay  
Heacock  
Holmes  
Hunsaker  
Hurlbut  
Huston  
James  
Jones  
Kenner  
A. R. Knapp  
Knox  
Lander  
Lasater  
Lockwood  
McCallen  
McCully  
Manly  
T. A. Marshall  
Mason  
Mieure  
Miller

Mr. Minshall  
Moffett  
Moore  
Northcott  
Oliver  
Pace  
J. M. Palmer  
Peters  
Pinckney  
Powers  
Robbins  
Roman  
Rountree  
Scates  
Servant  
Shumway  
Sibley  
Sim  
Simpson  
Thomas  
Thornton  
Trower  
Turner  
Webber  
West  
Williams  
Worcester.

The question was taken on the adoption of the 13th section, and decided in the affirmative.

Mr. West moved to strike out the 14th section, and add instead of it, the following:

"There shall be established in each county in this state a court of probate, which shall be a court of record, to consist of one officer, who shall be elected by the qualified voters of the counties respectively, and be styled the "judge of probate," whose compensation shall be regulated by law.

"The courts of probate shall have jurisdiction in matters relating to the settlement of the estates of deceased persons, executors, administrators



and guardians, and such other jurisdiction as may be assigned to them by law."

Mr. J. M. Palmer moved to amend the amendment by adding to it:

"And the justices of the peace of the counties in this state shall be divided into four classes, by lot, and one of said classes shall sit with said judge of probate at each quarterly term for the transaction of county business; *Provided*, all the justices of the peace of the counties shall be entitled to seats in said court, but only the class required to sit in said court shall receive compensation for their services."

Which amendment to the amendment was rejected.

The question was taken, by yeas and nays, upon the adoption of the amendment,

And decided in the affirmative,	{ Yeas,	:	:	:	:	25
	{ Nays,	:	:	:	:	100

Those voting in the affirmative, are,

Mr. Akin	Mr. Hill	Mr. J. M. Palmer
Armstrong	Hoes	Powers
Farwell	Hogue	Robinson
Frick	Jackson	Scates
H. R. Green	Judd	Sim
W. B. Green	Kenner	Spencer
Harper	Mason	Stadden
Hay	Oliver	West.
Hayes		

Those voting in the negative, are,

Mr. Adams	Mr. N. W. Edwards	Mr. McHatton
Allen	Evey	Manly
Anderson	Graham	Markley
Archer	Geddes	F. S. D. Marshall
Atherton	Gregg	T. A. Marshall
Blair	P. Green	Mieure
Blakely	Grimshaw	Miller
Bond	Harding	Minshall
Bosbyshell	Harlan	Moffett
Brockman	Harvey	Moore
Brown	Hatch	Morris
Butler	Hawley	Nichols
Caldwell	Henderson	Northcott
Carter	Holmes	Pace
F. S. Casey	Hunsaker	Peters
Z. Casey	Hurlbut	Pinckney
Church	Huston	Pratt
Churchill	James	Rives
Constable	Jones	Robbins
R. J. Cross	A. R. Knapp	Roman
Dale	Knox	Rountree
D. Davis	Kreider	Servant
J. M. Davis	Lasater	Sharpe
Dawson	Laughlin	Shields
Deitz	Lemon	Shumway
Dummer	Linley	Sibley
Dunsmore	Loudon	Simpson
Eccles	McCallen	Singleton
Edmonson	McCully	E. O. Smith
C. Edwards	McClure	J. Smith



Mr. Swan  
Thomas  
Thornton  
Trower

Mr. Turner  
Vance  
Webber  
Williams

Mr. Whiteside  
Whitney  
Worcester.

The question was taken on the adoption of the 14th section, and decided in the affirmative.

Mr. States moved to postpone the consideration of the 15th, 16th and 17th sections for the present.

The question was taken, and decided in the negative.

Mr. Robbins moved to amend the 15th section by adding thereto:

"Special pleadings in the county court in relation to matters of probate and in relation to county business shall not be required."

The question was taken, and decided in the negative.

Mr. Shields moved to amend the 15th section, by striking out all after the word "probate," and by inserting in lieu thereof the following:

"And all county business with such other business as the legislature may impose."

The question was taken and decided in the negative.

Mr. Armstrong moved to amend the 15th section by striking out all after the word "where," in the 3d line, and to insert in lieu thereof the words "the offence is not capital or punishable by imprisonment in the penitentiary."

The question was taken, and decided in the negative.

On motion of Mr. Caldwell,

The same section was amended by striking out the words "matters of," and the word "with," in the first line, and by inserting in lieu of the word "with," the word "and."

Mr. Deitz moved to amend the same section by striking out all after the word "law," in the the third line.

The question was taken, and decided in the negative.

Mr. Farwell moved that the 15th section be amended by adding thereto the following:

"Provided, that no lawyer shall in any case be permitted to practice in such court."

On motion of Mr. Constable,

The amendment was laid on the table,	{ Yeas, . . .	15
	{ Nays, . . .	117

Those voting in the affirmative, are,

Mr. Adams  
Allen  
Anderson  
Archer  
Atherton  
Blair  
Blakely  
Bond  
Bosbyshell  
Brown  
Butler  
Caldwell  
J. M. Campbell

Mr. F. S. Casey  
Zadok Casey  
Church  
Churchill  
Constable  
Crain  
R. J. Cross  
Dale  
D. Davis  
J. M. Davis  
Dawson  
Deitz  
Dummer  
Dunsmore

Mr. Eccles  
Edmonson  
C. Edwards  
N. W. Edwards  
Evey  
Graham  
Geddes  
P. Green  
W. B. Green  
Gregg  
Grimshaw  
Harding  
Harlan  
Harper



Mr. Hatch	Mr. McCallen	Mr. Roman
Hawley	McCully	Rountree
Hay	McClure	Servant
Hayes	McHatton	Sharpe
Heacock	Manly	Sibley
Henderson	Markley	Sim
Hill	F. S. D. Marshall	Simpson
Hogue	T. A. Marshall	E. O. Smith
Holmes	Mieure	J. Smith
Hunsaker	Miller	Spencer
Hurlbut	Minshall	Stadden
Huston	Moffett	Swan
Jackson	Moore	Thomas
James	Morris	Thornton
Jenkins	Nichols	Trower
Jones	Northcott	Turnbull
Kenner	Oliver	Turner
A. R. Knapp	Pace	Tutt
Knox	J. M. Palmer	Vance
Kreider	Peters	Webber
Lasater	Pinckney	West
Laughlin	Pratt	Williams
Lemon	Rives	Witt
Linley	Robbins	Whiteside
Lockwood	Robinson	Worcester.
Logan		

Those voting in the negative, are,

Mr. Akin	Mr. S. J. Cross	Mr. Lander
Armstrong	Farwell	Mason
Brockman	Frick	Scates
Carter	Harvey	Shields
Colby	Judd	Singleton.

Mr. Adams moved the previous question.

On motion,

The convention adjourned to three o'clock. P. M.

### THREE O'CLOCK, P. M.

The convention assembled pursuant to adjournment.

On motion of Mr. Shields,

A call of the convention was ordered.

The call was proceeded in for some time, when it appeared that the following members were absent, viz:

Messrs. Archer, Ballingall, Bosbyshell, Bunsen, T. Campbell, Canady, Choate, Colby, Constable, T. G. C. Davis, Dement, Dunlap, Dunn, Farwell, H. R. Green, W. B. Green, Gregg, Hatch, Hayes, Heacock, Hoes, Jones, Judd, Kenner, S. Kinney, W. C. Kinney, Kitchell, N. M. Knapp, Linley, Logan, Loudon, Matheny, Miller, Northcott, Norton, Pace, H. D. Palmer, Servant, Sharpe, Sherman, Thompson, Tuttle, Vernor, Wead, Woodson and Mr. President.—46.

On motion of Mr. Mieure,

Mr. H. D. Palmer was excused in consequence of illness.

On motion of Mr. Geddes,

Mr. H. R. Green was excused in consequence of illness.



On motion of Mr. Armstrong,

Further proceedings under the call were dispensed with.

The question pending when the convention adjourned, was on ordering the main question.

The question was taken and the main question ordered.

The question was taken, by yeas and nays, on the adoption of the 15th section, as amended,

And decided in the affirmative,	{Yeas,	:	:	:	:	79
	{Nays,	:	:	:	:	45

Those voting in the affirmative, are,

Mr. Adams	Mr. Geddes	Mr. T. A. Marshall
Allen	P. Green	Mieure
Anderson	Grimshaw	Minshall
Atherton	Harlan	Moffett
Blair	Hawley	Morris
Butler	Hay	Nichols
Caldwell	Heacock	Pace
J. M. Campbell	Henderson	Peters
Carter	Holmes	Pinckney
F. S. Casey	Hunsaker	Pratt
Z. Casey	Hurlbut	Rives'
Church	Huston	Robbins
Constable	James	Roman
R. J. Cross	Jones	Rountree
S. J. Cross	Knowlton	Servant
Dale	Knox	Shumway
D. Davis	Lander	Simpson
J. M. Davis	Laughlin	J. Smith
Dawson	Lemon	Spencer
Dummer	Lockwood	Swan
Dunsmore	Logan	Thomas
Eccles	McCallen	Thornton
Edmonson	McCully	West
C. Edwards	McHatton	Williams
N. W. Edwards	Manly	Whiteside
Evey	F. S. D. Marshall	Worcester.
Graham		

Those voting in the negative, are,

Mr. Akin	Mr. Hogue	Mr. Scates
Archer	Jackson	Shields
Armstrong	Jenkins	Sibley
Blakely	Judd	Sim
Bond	A. R. Knapp	Singleton
Brockman	Kreider	E. O. Smith
Brown	Lasater	Stadden
Churchill	McClure	Trower
Crain	Markley	Turnbull
Deitz	Mason	Turner
Frick	Moore	Tutt
Harding	Oliver	Vance
Harper	J. M. Palmer	Webber
Harvey	Powers	Witt
Hill	Robinson	Whitney.



On motion of Mr. E. O. Smith,

The sixteenth section was amended by striking out the words "designated by law," in the first line, and by inserting in lieu thereof the words "to be chosen in the same manner as the county judge."

The question was taken, by yeas and nays,

And decided in the affirmative, { Yeas, : : : : 68  
Nays, : : : : 60

Those voting in the affirmative, are,

Mr. Adams  
Akin  
Archer  
Armstrong  
Blair  
Blakely  
Bond  
Brockman  
Brown  
J. M. Campbell  
Church  
Churchill  
Crain  
R. J. Cross  
S. J. Cross  
Dawson  
Dunsmore  
Frick  
Grimshaw  
Harding  
Harper  
Harvey  
Hawley

Mr. Hay  
Henderson  
Hill  
Hogue  
Huston  
Jackson  
Jenkins  
Judd  
Kreider  
Lander  
Lasater  
Laughlin  
Lemon  
Linley  
McClure  
McHatton  
Markley  
T. A. Marshall  
Mason  
Mieure  
Moffett  
Moore  
Morris

Mr. Oliver  
Pace  
Powers  
Rives  
Robinson  
Scates  
Sharpe  
Shields  
Shumway  
Sim  
Simpson  
Singleton  
E. O. Smith  
Stadden  
Trower  
Turnbull  
Turner  
Tutt  
Vance  
West  
Williams  
Whitney.



Those who voted in the negative, are,

Mr. Allen  
Anderson  
Atherton  
Butler  
Caldwell  
Carter  
F. S. Casey  
Z. Casey  
Constable  
Dale  
D. Davis  
J. M. Davis  
Deitz  
Dummer  
Edmonson  
C. Edwards  
N. W. Edwards  
Evey  
Graham  
Geddes

Mr. P. Green  
Harlan  
Hatch  
Heacock  
Holmes  
Hunsaker  
Hurlbut  
James  
Jones  
Knowlton  
Knox  
Lockwood  
Logan  
McCallen  
McCully  
Manly  
F. S. D. Marshall  
Matheny  
Minshall  
Nichols

Mr. Northcott  
H. D. Palmer  
J. M. Palmer  
Peters  
Pinckney  
Pratt  
Robbins  
Roman  
Rountree  
Servant  
Sibley  
J. Smith  
Spencer  
Swan  
Thomas  
Thornton  
Webber  
Witt  
Whiteside  
Worcester.



On motion of Mr. Jones,

The same section was amended by striking out the words "or more," in the first line."

The question was taken, by yeas and nays,

And decided in the affirmative,	{ Yeas,	.	.	.	.	71
	{ Nays,	.	.	.	.	59

Those voting in the affirmative, are,

Mr. Akin	Mr. Hatch	Mr. Morris
Allen	Hawley	Nichols
Anderson	Henderson	Northcott
Archer	Hill	Oliver
Blair	Hogue	Pace
Blakely	Holmes	Powers
Bond	Huston	Robinson
Bosbyshell	Jackson	Scates
Brown	Jenkins	Sharpe
J. M. Campbell	Jones	Shields
F. S. Casey	Judd	Sim
Colby	Knox	Simpson
Crain	Kreider	Singleton
R. J. Cross	Lander	E. O. Smith
Dawson	Laughlin	Stadden
Dunsmore	Lemon	Swan
Edmonson	Linley	Turnbull
Frick	Loudon	Turner
P. Green	McClure	Tutt
Gregg	McHatton	Vance
Grimshaw	Markley	Webber
Harding	F. S. D. Marshall	Whitney
Harper	Mason	Worcester.
Harvey	Moore	

Those voting in the negative, are,

Mr. Adams	Mr. Graham	Mr. H. D. Palmer
Armstrong	Geddes	J. M. Palmer
Atherton	Harlan	Peters
Brockman	Hay	Pinckney
Butler	Heacock	Pratt
Carter	Hunsaker	Rives
Z. Casey	Hurlbut	Robbins
Church	James	Roman
Churchill	Knowlton	Rountree
Constable	Lasater	Servant
S. J. Cross	Lockwood	Shumway
Dale	Logan	Sibley
D. Davis	McCallen	Spencer
J. M. Davis	McCully	Thomas
T. G. C. Davis	Manly	Thornton
Deitz	T. A. Marshall	Trower
Dummer	Mieure	Williams
C. Edwards	Miller	Witt
N. W. Edwards	Minshall	Whiteside.
Evey	Moffett	

Mr. Singleton moved to amend the 16th section, as amended, by striking out the words, "with two justices of the peace, to be chosen in the same manner as the county judge," and to add to the word "judge," the letter



"s," and also to add immediately thereafter the words "consisting of the justices of the peace."

The question was taken, and decided in the negative.

Mr. N. W. Edwards moved to amend the same section by inserting before the word "shall," in the first line, the words "and as many more justices of the peace as may be designated by law."

The question was taken, and decided in the negative.

Mr. Brown moved to amend the section by striking out the proviso.

The question was taken, by yeas and nays,

And decided in the affirmative,	{ Yeas,	:	:	:	:	102
	{ Nays,	:	:	:	:	22

Those voting in the affirmative, are,

Mr. Akin	Mr. Hogue	Mr. Oliver
Allen	Holmes	Peters
Archer	Hunsaker	Pinckney
Armstrong	Hurlbut	Powers
Blair	Huston	Pratt
Blakely	Jackson	Rives
Bond	James	Robbins
Brown	Jenkins	Robinson
Butler	Jones	Scates
Caldwell	Judd	Servant
J. M. Campbell	A. R. Knapp	Sharpe
Carter	Knowlton	Shields
F. S. Casey	Knox	Sibley
Z. Casey	Kreider	Sim
Colby	Lander	Simpson
Constable	Lasater	E. O. Smith
D. Davis	Laughlin	J. Smith
Edmonson	Lemon	Spencer
C. Edwards	Linley	Stadden
Evey	Loudon	Swan
Frick	McCallen	Thomas
Graham	McCully	Thornton
P. Green	McClure	Trower
Gregg	McHatton	Turnbull
Grimshaw	Manly	Turner
Harding	F. S. D. Marshall	Tutt
Harlan	T. A. Marshall	Vance
Harper	Mason	Wead
Hatch	Miller	Webber
Hawley	Minshall	Williams
Hay	Moffett	Witt
Heacock	Morris	Whiteside
Henderson	Nichols	Whitney
Hill	Northcott	Worcester.

Those voting in the negative, are,

Mr. Anderson	Mr. Deitz	Mr. Markley
Atherton	Dummer	Mieure
Bosbyshell	N. W. Edwards	Moore
Brockman	Geddes	J. M. Palmer
Churchill	Harvey	Roman
Crain	Lockwood	Rountree
Dale	Logan	Shumway.
J. M. Davis		



On motion of Mr. Shields,

The previous question was ordered.

The question was then taken, by yeas and nays, on the adoption of the section, as amended,

And decided in the affirmative,	{ Yeas,	: : : : : 80
	{ Nays,	: : : : : 48

Those voting in the affirmative, are,

Mr. Akin	Mr. Hawley	Mr. Mieure
Archer	Hay	Minshall
Armstrong	Henderson	Moffett
Atherton	Hogue	Morris
Blair	Holmes	Northcott
Bond	Hunsaker	Powers
Bosbyshell	Huston	Pratt
Brown	Jackson	Rives
Caldwell	James	Rountree
J. M. Campbell	Jones	Servant
Carter	Judd	Sharpe
F. S. Casey	A. R. Knapp	Shields
Z. Casey	Knox	Shumway
Constable	Kreider	Simpson
Crain	Lander	E. O. Smith
R. J. Cross	Laughlin	J. Smith
Dale	Lemon	Spencer
Dunsmore	Linley	Stadden
Edmonson	Lockwood	Thomas
C. Edwards	Loudon	Trower
Evey	McCully	Tutt
Frick	McClure	Vance
P. Green	McHatton	Webber
Grimshaw	Manly	Williams
Harding	Markley	Whitney
Harper	F. S. D. Marshall	Worcester.
Hatch	T. A. Marshall	

Those voting in the negative, are,

Mr. Allen	Mr. Harlan	Mr. Peters
Anderson	Harvey	Pinckney
Blakely	Heacock	Robbins
Brockman	Hill	Robinson
Butler	Hurlbut	Roman
Church	Jenkins	Scates
Churchill	Knowlton	Sibley
Colby	Lasater	Sim
D. Davis	Logan	Singleton
J. M. Davis	McCallen	Swan
Deitz	Mason	Thornton
Dummer	Miller	Turnbull
N. W. Edwards	Moore	Turner
Graham	Oliver	Wead
Geddes	Pace	Witt
Gregg	J. M. Palmer	Whiteside.

Mr. Wead moved a reconsideration of the last vote taken.

The rules having been temporarily suspended,

On motion Mr. Scates,

*Resolved*, That a select committee of one from each judicial circuit be appointed, with instructions to report a schedule, providing for the time



and manner of submitting the constitution to be voted upon by the people, and also such provisions as may be necessary, in case of its adoption, for organizing and adjusting the government under its provisions."

*Ordered*, That Messrs. Scates, Servant, Manly, Singleton, Farwell, Thornton, Stadden, Deitz, and Bosbyshell, be that committee.

The question was taken on the motion to reconsider made by Mr. Wead, and decided in the negative.

On motion,

The convention adjourned until Monday.

## MONDAY, AUGUST 16, 1847.

Convention met pursuant to adjournment.

The journal of Saturday was read.

On motion of Mr. Scates,

The rules were temporarily suspended, and he offered for adoption the following resolution:

*Resolved*, That            thousand copies of the constitution and schedule, as revised and amended, be printed and distributed, according to population, to the several counties for the use of the people.

Mr. Whiteside moved to fill the blank with "twenty."

Mr. Robbins moved "eighty."

Mr. Markley moved "fifty."

The question was taken on inserting "eighty," and decided in the negative.

The question was taken on inserting "fifty," and decided in the affirmative.

The question was taken on the adoption of the resolution, as amended, and decided in the affirmative.

On motion of Mr. Pratt,

Leave of absence was granted to Messrs. Dement and S. J. Cross for four days.

On motion of Mr. Sherman,

The rules were temporarily suspended, when he reported the following as suitable to be engrafted into the new constitution:

### ARTICLE —.

The general assembly shall provide for, and there shall be annually levied, a tax of not less than three mills on every one dollar's worth of personal and real property within this state, to be ascertained by valuation, the proceeds of which shall be applied to the payment of the indebtedness of the state; *Provided*, said tax shall be levied no longer than is necessary to discharge the principal and interest due and to become due on the present state debt.

On motion of Mr. Armstrong,

The report was laid on the table, and 250 copies ordered to be printed for the use of the convention.



On motion of Mr. Constable,

The rules were temporarily suspended to enable him to offer a resolution, when he offered the following:

*Resolved*, That a committee of one from each judicial circuit of the state be appointed to prepare an address, to be submitted to the people of this state in connection with the proposed constitution.

The question was taken, by yeas and nays, on the adoption of the resolution,

And decided in the affirmative,	{ Yeas,	:	:	:	:	80
	{ Nays,	:	:	:	:	55

Those voting in the affirmative, are,

Mr. Adams	Mr. W. B. Green	Mr. Northcott
Akin	Harlan	H. D. Palmer
Allen	Harper	J. M. Palmer
Anderson	Harvey	Peters
Archer	Hawley	Pinckney
Atherton	Hay	Pratt
Bond	Hayes	Rives
Z. Casey	Henderson	Scates
Church	Hill	Servant
Churchill	Hurlbut	Sherman
Colby	Jackson	Sibley
Constable	Jones	Sim
R. J. Cross	A. R. Knapp	Spencer
Dale	Knowlton	Stadden
D. Davis	Knox	Swan
J. M. Davis	Lander	Thompson
Deitz	Lemon	Thornton
Dummer	Loudon	Trower
Dunsmore	McCallen	Turnbull
C. Edwards	McClure	Vance
N. W. Edwards	Manly	Webber
Evey	T. A. Marshall	West
Frick	Mason	Witt
Graham	Matheny	Whiteside
Geddes	Mieure	Woodson
H. R. Green	Miller	Worcester.
P. Green	Minshall	

Those voting in the negative, are,

Mr. Armstrong	Mr. Hatch	Mr. Nichols
Ballingall	Heacock	Oliver
Blair	Hogue	Pace
Blakely	Holmes	Powers
Bosbyshell	Hunsaker	Robbins
Brockman	Huston	Robinson
Butler	James	Roman
Caldwell	Judd	Rountree
J. M. Campbell	Kreider	Sharpe
T. Campbell	Lasater	Shumway
Carter	Laughlin	Simpson
F. S. Casey	Linley	Singleton
Choate	McCully	E. O. Smith
Crain	McHatton	J. Smith
T. G. C. Davis	Markley	Tutt
Farwell	Moffett	Wead
Grimshaw	Moore	Whitney
Harding	Morris	Mr. President.



*Ordered*, That Messrs. Constable, T. G. C. Davis, Dale, T. Campbell, S. D. Marshall, Wead, Dawson, Knowlton, and Ballingall be that committee.

Mr. Wead, on leave, presented the petition of John P. Boice, and twenty-nine others, citizens of Fulton county, praying that an article may be inserted in the new constitution prohibiting the creation of banks and the circulation of bank paper.

On motion of Mr. Wead,

The petition was referred to a select committee of nine.

*Ordered*, That Messrs. Wead, Bosbyshell, Z. Casey, Williams, J. Smith, Stadden, T. Campbell, J. M. Davis, and R. J. Cross be that committee.

The convention resumed the consideration of the report of the select committee of twenty-seven on the Judiciary Department.

Mr. Constable offered the following, to be prefixed to the 17th section:

"The county judge, with such justices of the peace in each county as may be designated by law, shall hold terms for the transaction of county business, and shall perform such other duties as the general assembly shall prescribe; *Provided*, the legislature may require that two justices, to be chosen by the qualified electors of each county, shall sit with the county judge in all cases; and."

Mr. Witt moved to substitute the following for the amendment:

"*Provided*, That the legislature may provide by law for the organization of a different court for the purpose of transacting county business."

Mr. Akin moved to lay the amendment and substitute on the table.

Mr. Rountree called for a division, so as to vote first on laying the substitute on the table.

The question was taken, and the substitute was laid on the table.

Mr. Akin withdrew the motion to lay the amendment on the table, and moved the previous question.

The question was taken, and the previous question ordered.

Mr. Constable modified his amendment by substituting for the word biennially," the word "quadrennially," in the first line of the 17th section.

The question was taken, by yeas and nays, upon the adoption of the amendment, as modified,

And decided in the affirmative,	{ Yeas,	:	:	:	80
	{ Nays,	:	:	:	59

Those voting in the affirmative, are,

Mr. Adams	Mr. Constable	Mr. C. Edwards
Allen	R. J. Cross	N. W. Edwards
Anderson	Dale	Evey
Atherton	D. Davis	Graham
Bosbyshell	J. M. Davis	Geddes
Brown	T. G. C. Davis	H. R. Green
Butler	Dawson	P. Green
Caldwell	Deitz	W. B. Green
F. S. Casey	Dummer	Harlan
Z. Casey	Dunsmore	Hay
Church	Eccles	Heacock



Mr. Hill	Mr. F. S. D. Marshall	Mr. Rountree
Hogue	Matheny	Servant
Hunsaker	Mieure	Sharpe
Hurlbut	Miller	Shumway
Huston	Minshall	Sibley
James	Moffett	J. Smith
Jones	Nichols	Spencer
A. R. Knapp	Pace	Swan
Knowlton	H. D. Palmer	Thornton
Lander	J. M. Palmer	Webber
Lasater	Peters	Williams
Logan	Piackney	Whiteside
Loudon	Pratt	Whitney
McCallen	Rives	Woodson
McCully	Robbins	Mr. President.
McHatton	Roman	

Those voting in the negative, are,

Mr. Akin	Mr. Hatch	Mr. Northcott
Archer	Hawley	Oliver
Armstrong	Hayes	Powers
Ballingall	Henderson	Robinson
Blair	Hoes	Scates
Blakely	Jackson	Shields
Bond	Jenkins	Sim
Brockman	Judd	Simpson
J. M. Campbell	S. Kinney	Singleton
Carter	Knox	Stadden
Choate	Kreider	Thompson
Churchill	Laughlin	Turnbull
Colby	Lemon	Turner
Crain	Linley	Tutt
Farwell	McClure	Vance
Frick	Manly	Wead
Grimshaw	Markley	West
Harding	Mason	Witt
Harper	Moore	Worcester.
Harvey	Morris	

The question was taken, by yeas and nays, on the adoption of the section, as amended,

And decided in the affirmative,	{ Yeas,	:	:	:	:	79
	{ Nays,	:	:	:	:	55

Those voting in the affirmative, are,

Mr. Adams	Mr. R. J. Cross	Mr. Geddes
Allen	Dale	H. R. Green
Anderson	D. Davis	P. Green
Atherton	J. M. Davis	W. B. Green
Bosbyshell	T. G. C. Davis	Harlan
Butler	Dawson	Hay
Caldwell	Deitz	Heacock
F. S. Casey	Dummer	Hill
Z. Casey	Dunsmore	Hogue
Choate	Eccles	Hunsaker
Church	N. W. Edwards	Hurlbut
Churchill	C. Edwards	James
Colby	Evey	Jones
Constable	Graham	S. Kinney



Mr. A. R. Knapp	Mr. Moffett	Mr. Shumway
Knowlton	Nichols	Sibley
Lemon	H. D. Palmer	Simpson
Logan	J. M. Palmer	Spencer
McCallen	Peters	Swan
McCully	Pinckney	Thornton
McHatton	Pratt	Webber
F. S. D. Marshall	Rives	Williams
T. A. Marshall,	Robbins	Whiteside
Matheny	Roman	Whitney
Mieure	Rountree	Woodson
Miller	Servant	Mr. President:
Minshall		

Those voting in the negative, are,

Mr. Akin	Mr. Henderson	Mr. Oliver
Armstrong	Hoes	Pace
Ballingall	Holmes	Powers
Blair	Huston	Robinson
Blakely]	Jackson	Scates
Brockman	Jenkins	Shields
Brown	Judd	Sim
J. M. Campbell	Knox	Singleton
Carter	Kreider	E. O. Smith
Crain	Lasater	Stadden
Farwell	Laughlin	Thompson
Frick	Linley	Turner
Grimshaw	Manly	Tutt
Harding	Markley	Vance
Harper	Mason	Wead
Harvey	Moore	West
Hatch	Morris	Witt
Hawley	Northcott	Worcester.
Hayes		

Mr. Armstrong moved the following as an additional section, to follow section 17:

"SEC. —. The general assembly shall have power to re-organize the county court, provided for in this article, and vest its jurisdiction in one or more tribunals, to consist of such officer or officers as shall be provided by law."

Mr. West moved the following as a substitute:

"That in all cases where the population in a county, according to the census of the county as last taken, shall exceed 10,000 inhabitants, the office of recorder shall be a separate and distinct office."

On motion,

The convention adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The convention assembled pursuant to adjournment.

On motion of Mr. J. M. Campbell,

A call of the convention was ordered.

The call was proceeded in for some time, when it appeared that the following gentlemen were absent, viz:



Messrs. Ballingall, Bosbyshell, Brown, Bunsen, Canady, Crain, S. J. Cross, T. G. C. Davis, Dement, Dunlap, Dunn, Edmonson, Farwell, Geddes, Gregg, Harding, Harvey, Hawley, Jackson, Judd, W. C. Kinney, Kitchell, A. R. Knapp, N. M. Knapp, Knowlton, Linley, Lockwood, Logan, Mason, Matheny, Northcott, Norton, Oliver, Peters, Pinckney, Pratt, Servant, Sherman, J. Smith, Thomas, Thompson, Thornton, Turner, Tuttle, and Vance—46.

On motion of Mr. Armstrong,

Further proceedings under the call were dispensed with.

The question pending when the convention adjourned this morning, was on the substitute offered by Mr. West for the additional section offered by Mr. Armstrong.

On motion of Mr. Shields,

The main question was ordered.

The question was taken, by yeas and nays, on the substitute for the additional section,

And decided in the negative, { Yeas,	:	:	:	:	45
{ Nays,	:	:	:	:	94

Those voting in the affirmative, are,

Mr. Adams	Mr. Huston	Mr. Minshall
Akin	Jackson	Moffett
Allen	Jones	Moore
Anderson	Judd	Nichols
Atherton	Kenner	J. M. Palmer
Butler	S. Kinney	Pinckney
Church	A. R. Knapp	Robinson
R. J. Cross	Knowlton	Roman
J. M. Davis	Linley	Rountree
Deitz	Logan	Sharpe
Dummer	Loudon	Sibley
C. Edwards	McCully	Swan
Evey	Markley	West
W. B. Green	F. S. D. Marshall	Williams
Heacock	Miller	Whitney.
Hurlbut		

Those voting in the negative, are,

Mr. Archer	Mr. Colby	Mr. Harper
Armstrong	Crain	Harvey
Ballingall	Dale	Hatch
Blair	D. Davis	Hayes
Blakely	Dawson	Henderson
Bond	Dunsmore	Hill
Bosbyshell	Eccles	Hogue
Brockman	N. W. Edwards	Holmes
Brown	Farwell	Hunsaker
Caldwell	Frick	James
J. M. Campbell	Graham	Jenkins
T. Campbell	Geddes	Knox
Carter	H. R. Green	Kreider
F. S. Casey	P. Green	Lander
Z. Casey	Grimshaw	Lasater
Choate	Harding	Laughlin
Churchill	Harlan	Lemon



Mr. Linley  
McCallen  
McClure  
McHatton  
Manly  
T. A. Marshall  
Mason  
Matheny  
Mieure  
Morris  
Northcott  
Oliver  
Pace  
H. D. Palmer  
Peters

Mr. Powers  
Pratt  
Rives  
Robbins  
Scates  
Shields  
Shumway  
Sim  
Simpson  
Singleton  
E. O. Smith  
J. Smith  
Spencer  
Stadden

Mr. Thornton  
Trower  
Turnbull  
Turner  
Tutt  
Vance  
Vernor  
Wead  
Webber  
Witt  
Whiteside  
Woodson  
Worcester  
Mr. President.



The question was taken, by yeas and nays, on the adoption of the additional section offered by Mr. Armstrong,

And decided in the negative,

{ Yeas, : : : : 64  
{ Nays, : : : : 74

Those voting in the affirmative, are,

Archer  
Armstrong  
Ballingall  
Blair  
Blakely  
Bosbyshell  
Brockman  
Brown  
Caldwell  
T. Campbell  
Carter  
F. S. Casey  
Z. Casey  
Choate  
Churchill  
Crain  
Dawson  
Farwell  
Frick  
Graham  
W. B. Green  
Gregg

Mr. Grimshaw  
Harper  
Harvey  
Hatch  
Hay  
Hayes  
Henderson  
Hill  
Holmes  
Jenkins  
Jones  
Kreider  
Lander  
Laughlin  
Loudon  
McCully  
McClure  
McHatton  
Markley  
Mason  
Moore

Mr. Morris  
Oliver  
Pace  
H. D. Palmer  
Peters  
Powers  
Robinson  
Scates  
Sharpe  
Shields  
Sim  
Simpson  
Singleton  
J. Smith  
Stadden  
Turnbull  
Tutt  
Vernor  
Wead  
Witt  
Mr. President.

Those voting in the negative, are,

Adams  
Akin  
Allen  
Anderson  
Atherton  
Bond  
Butler  
J. M. Campbell  
Church  
Colby  
R. J. Cross  
Dale  
D. Davis

Mr. J. M. Davis  
Dummer  
Dunsmore  
Eccles  
C. Edwards  
N. W. Edwards  
Evey  
Geddes  
H. R. Green  
P. Green  
Harding  
Harlan  
Heacock

Mr. Hogue  
Hunsaker  
Hurlbut  
Huston  
Jackson  
James  
Judd  
Kenner  
S. Kinney  
A. R. Knapp  
Knowlton  
Knox  
Lasater



Mr. Lemon	Mr. Northcott	Mr. Swan
Linley	Pinckney	Thornton
Logan	Pratt	Trower
McCallen	Rives	Turner
Manly	Robbins	Vance
F. S. D. Marshall	Roman	Webber
T. A. Marshall	Rountree	Williams
Matheny	Servant	Whiteside
Mieure	Shumway	Whitney
Miller	Sibley	Woodson
Minshall	E. O. Smith	Worcester.
Moffett	Spencer	

Mr. Powers offered the following as an additional section:

"SEC. —. That in all cases where the population in a county, according to the census of the county as last taken, shall exceed 12,000 inhabitants, the office of recorder may be a separate and distinct office."

Mr. H. R. Green moved to amend the additional section by striking out the figures "12,000," and inserting in lieu thereof the figures "8,000."

A division being called for.

The question was taken, by yeas and nays, on striking out "12,000,"

And decided in the affirmative,	{ Yeas, . . .	78
	{ Nays, . . .	57

Those voting in the affirmative, are,

Mr. Allen	Mr. Hayes	Mr. Miller
Armstrong	Heacock	Moore
Ballingall	Henderson	Oliver
Blair	Hill	J. M. Palmer
Blakely	Hogue	Powers
Bond	Holmes	Robinson
Brockman	Hurlbut	Roman
Z. Casey	Huston	Scates
Choate	Jackson	Sharpe
Churchill	Jenkins	Sibley
Colby	Jones	Sim
Crain	Kenner	Simpson
R. J. Cross	S. Kinney	E. O. Smith
Dale	Knowlton	Spencer
D. Davis	Kreider	Stadden
Dawson	Lander	Thornton
Deitz	Laughlin	Trower
Eccles	Linley	Tutt
C. Edwards	Logan	Vance
Frick	Loudon	Vernor
Graham	McClure	Witt
H. R. Green	Manly	Whiteside
P. Green	Markley	Whitney
Gregg	F. S. D. Marshall	Woodson
Harlan	T. A. Marshall	Worcester
Harper	Mieure	Mr. President.
Hay		

Those voting in the negative, are,

Mr. Akin	Mr. Brown	Mr. Carter
Anderson	Butler	F. S. Casey
Archer	Caldwell	Church
Atherton	J. M. Campbell	J. M. Davis
Bosbyshell	T. Campbell	Dummer



Mr. Dunsmore  
N. W. Edwards  
Evey  
Farwell  
Geddes  
W. B. Green  
Grimshaw  
Harding  
Harvey  
Hatch  
Hunsaker  
James  
Judd  
Knox

Mr. Lasater  
Lemon  
McCallen  
McCully  
McHatton  
Matheny  
Minshall  
Moffett  
Morris  
Northcott  
Pace  
H. D. Palmer  
Peters  
Pinckney

Mr. Pratt  
Rives  
Robbins  
Rountree  
Servant  
Shields  
Shumway  
J. Smith  
Turnbull  
Turner  
Wead  
Webber  
West  
Williams.

Mr. T. A. Marshall moved to fill the blank with 15,000.

Mr. Witt moved 10,000.

Mr. McCallen moved 9,999.

Mr. Vance moved 9,000.

Mr. Spencer moved 5,000.

Mr. Brockman moved 3000.

Mr. E. O. Smith moved 1,000.

Mr. Eccles moved to lay the additional section and amendments on the table.

The question was taken, by yeas and nays,

And decided in the negative,	{ Yeas,	. . . . .	43
	{ Nays,	. . . . .	89

Those voting in the affirmative, are,

Mr. Akin  
Archer  
Brown  
Caldwell  
Carter  
Z. Casey  
Dummer  
Eccles  
N. W. Edwards  
Geddes  
H. R. Green  
P. Green  
Harding  
Harlan  
Harper

Mr. Hunsaker  
Jackson  
James  
Lasater  
Lemon  
Logan  
Manly  
Matheny  
Mieure  
Minshall  
Morris  
Northcott  
H. D. Palmer  
Peters

Mr. Pratt  
Rives  
Robbins  
Roman  
Rountree  
Servant  
Singleton  
J. Smith  
Thompson  
Thornton  
Turnbull  
Vance  
Webber  
Woodson.

Those voting in the negative, are,

Mr. Allen  
Anderson  
Armstrong  
Atherton  
Ballingall  
Blair  
Blakely  
Bond  
Bosbyshell  
Brockman  
Butler

Mr. T. Campbell  
F. S. Casey  
Choate  
Church  
Churchill  
Colby  
Crain  
R. J. Cross  
Dale  
D. Davis  
J. M. Davis

Mr. Dawson  
Deitz  
Dunsmore  
C. Edwards  
Frick  
Graham  
W. B. Green  
Gregg  
Grimshaw  
Harvey  
Hatch



Mr. Hay  
Hayes  
Heacock  
Henderson  
Hill  
Hogue  
Holmes  
Hurlbut  
Huston  
Jenkins  
Jones  
Judd  
Kenner  
S. Kinney  
A. R. Knapp  
Knowlton  
Knox  
Kreider  
Lander

Mr. Laughlin  
Linley  
Loudon  
McCallen  
McCully  
McClure  
McHatton  
Markley  
Miller  
Moffett  
Moore  
Nichols  
J. M. Palmer  
Pickney  
Powers  
Robinson  
Scates  
Sharpe  
Shields

Mr. Sibley  
Sim  
Simpson  
E. O. Smith  
Spencer  
Stadden  
Trower  
Turner  
Tutt  
Vernor  
Wead  
West  
Williams  
Witt  
Whiteside  
Whitney  
Worcester  
Mr. President.

The question was taken on inserting 15,000, and decided in the negative.

The question was taken on inserting 10,000, and decided in the negative.

The question was taken on inserting 9,999, and decided in the negative.

On motion of Mr. F. S. D. Marshall,

The main question was ordered.

The question was taken on inserting 9,000, and decided in the negative.

The question was taken on inserting 8,000, and decided in the negative.

The question was taken, by yeas and nays, on inserting 5,000,

And decided in the negative, {	Yeas,	:	:	:	:	61
	Nays,	:	:	:	:	79

Those voting in the affirmative, are,

Mr. Allen  
Armstrong  
Ballingall  
Blair  
Brockman  
Butler  
J. M. Campbell  
T. Campbell  
Carter  
Z. Casey  
Churchill  
Colby  
Crain  
T. G. C. Davis  
Deitz  
Dunsmore  
Frick  
Graham  
W. B. Green  
Gregg  
Harper

Mr. Harvey  
Hatch  
Hay  
Hayes  
Henderson  
Hill  
Hogue  
Huston  
Jackson  
Jones  
Knowlton  
Laughlin  
Lemon  
Linley  
Loudon  
McClure  
McHatton  
Markley  
F. S. D. Marshall  
Mason

Mr. Miller  
Moffett  
Moore  
Nichols  
Oliver  
Pinckney  
Powers  
Robinson  
Sharpe  
Shields  
Sibley  
Simpson  
J. Smith  
Spencer  
Stadden  
Vance  
Vernor  
Witt  
Whitney  
Mr. President.



Those voting in the negative, are,

Mr. Adams	Mr. Grimshaw	Mr. H. D. Palmer
Akin	Harding	J. M. Palmer
Anderson	Harlan	Peters
Archer	Hawley	Pratt
Atherton	Hunsaker	Rives
Blakely	Hurlbut	Robbins
Bond	James	Roman
Bosbyshell	Jenkins	Rountree
Brown	Kenner	Scates
Caldwell	S. Kinney	Servant
F. S. Casey	A. R. Knapp	Sim
Choate	Knox	E. O. Smith
Church	Kreider	Swan
Constable	Lander	Thompson
R. J. Cross	Lasater	Thornton
Dale	Logan	Trower
D. Davis	McCallen	Turnbull
J. M. Davis	McCully	Turner
Dawson	Manly	Tutt
Dummer	T. A. Marshall	Wead
Eccles	Matheny	Webber
N. W. Edwards	Mieure	West
C. Edwards	Minshall	Williams
Evey	Morris	Whiteside
Geddes	Northcott	Woodson
H. R. Green	Pace	Worcester.
P. Green		

The question was taken on inserting 3,000, and decided in the negative.

Mr. Markley moved to reconsider the vote ordering the main question.

The question was taken, and decided in the negative.

The question was taken, by yeas and nays, on inserting 1,000,

And decided in the negative,	{ Yeas, . . . . .	45
	{ Nays, . . . . .	90

Those voting in the affirmative, are,

Mr. Allen	Mr. Harvey	Mr. McHatton
Armstrong	Hay	Markley
Ballingall	Hayes	Mason
Blakely	Henderson	Miller
J. M. Campbell	Hogue	Moore
T. Campbell	Holmes	Nichols
Carter	Huston	Oliver
Churchill	Jenkins	Powers
Colby	Kenner	Robinson
Crain	Knowlton	Sim
Farwell	Knox	Simpson
Frick	Laughlin	E. O. Smith
Graham	Linley	Vernor
W. B. Green	Loudon	Witt
Harper	McClure	Mr. President.



Those voting in the negative, are,

Mr. Adams	Mr. Grimshaw	Mr. Pace
Akin	Harding	H. D. Palmer
Anderson	Harlan	J. M. Palmer
Archer	Hatch	Peters
Blair	Hawley	Pinckney
Bond	Heacock	Rives
Bosbyshell	Hill	Robbins
Brockman	Hunsaker	Roman
Brown	Hurlbut	Rountree
Caldwell	Jackson	Scates
F. S. Casey	James	Servant
Z. Casey	Jones	Shields
Choate	S. Kinney	Sibley
Church	A. R. Knapp	Spencer
Constable	Kreider	Stadden
R. J. Cross	Lander	Swan
Dale	Lasater	Thompson
D. Davis	Lemon	Thornton
J. M. Davis	Logan	Trower
T. G. C. Davis	McCallen	Turnbull
Dummer	McCully	Turner
Dunsmore	Manly	Vance
Eccles	F. S. D. Marshall	Wead
C. Edwards	T. A. Marshall	Webber
N. W. Edwards	Matheny	West
Evey	Mieure	Williams
Geddes	Minshall	Whiteside
H. R. Green	Moffett	Whitney
P. Green	Morris	Woodson
Gregg	Northcott	Worcester.

The question was taken on the adoption of the additional section, as amended, and decided in the negative.

Mr. Logan moved the following as an additional section:

"Sec. —. The legislature may by law make the clerk of the circuit court *ex officio* recorder in lieu of the county clerk."

Mr. Armstrong moved to amend the additional section by adding the following proviso:

"Provided, That in any county where the inhabitants shall exceed 4,000, the office of recorder shall be elected by the qualified voters of said county."

The question was taken, by yeas and nays, on the adoption of the proviso,

And decided in the negative,	{Yeas,	:	:	:	50
	{Nays,	:	:	:	85

Those voting in the affirmative, are,

Mr. Akin	Mr. Brockman	Mr. Crain
Allen	J. M. Campbell	Dunsmore
Archer	T. Campbell	Farwell
Armstrong	Carter	Frick
Atherton	Choate	W. B. Green
Ballingall	Churchill	Harper
Blakely	Colby	Harvey



Mr. Hatch	Mr. McHatton	Mr. Shields
Hay	Markley	Sim
Hill	Miller	Simpson
Hogue	Moore	Thompson
Huston	Nichols	Tutt
Jackson	Oliver	Vernor
Jenkins	J. M. Palmer	Witt
Judd	Powers	Whiteside
Laughlin	Robinson	Mr. President.
Linley	Sharpe	

Those voting in the negative, are,

Mr. Adams	Mr. Grimshaw	Mr. Matheny
Anderson	Harding	Mieure
Blair	Harlan	Minshall
Bond	Hawley	Moffett
Bosbyshell	Hayes	Morris
Brown	Heacock	Northcott
Butler	Henderson	Pace
F. S. Casey	Holmes	H. D. Palmer
Z. Casey	Hunsaker	Peters
Church	Hurlbut	Pinckney
Constable	James	Pratt
R. J. Cross	Kenner	Rives
Dale	S. Kinney	Robbins
D. Davis	A. R. Knapp	Roman
J. M. Davis	Knowlton	Rountree
Dawson	Knox	Scates
Deitz	Kreider	Servant
Dummer	Lander	Sibley
Eccles	Lasater	Spencer
C. Edwards	Lemon	Swan
N. W. Edwards	Logan	Thornton
Evey	McCallen	Trower
Graham	McCully	Turnbull
Geddes	McClure	Turner
H. R. Green	Manly	Vance
P. Green	F. S. D. Marshall	Williams
Gregg	T. A. Marshall	Woodson.

The question was taken, by yeas and nays, on the adoption of the additional section offered by Mr. Logan,

And decided in the affirmative,	{ Yeas,	. . . . .	77
	{ Nays,	. . . . .	55

Those voting in the affirmative, are,

Mr. Adams	Mr. Deitz	Mr. Hay
Allen	Dummer	Hayes
Blair	Eccles	Heacock
Bond	C. Edwards	Henderson
Brockman	Evey	Hill
Brown	Geddes	Hogue
J. M. Campbell	H. R. Green	Holmes
Z. Casey	Grimshaw	Hunsaker
Choate	Harding	Hurlbut
Dale	Harlan	Jackson
D. Davis	Harper	Jenkins
Dawson	Hatch	Judd



Mr. Kenner	Mr. Mieure	Mr. Simpson
S. Kinney	Miller	E. O. Smith
Knowlton	Minshall	Spencer
Knox	Northcott	Swan
Kreider	H. D. Palmer	Thompson
Lander	Peters	Thornton
Lemon	Pinckney	Turnbull
Logan	Pratt	Turner
McClure	Rives	Tutt
McHatton	Robbins	Vance
Manly	Roman	Whitney
Markley	Shields	Woodson
F. S. D. Marshall	Sibley	Mr. President
T. A. Marshall	Sim	

Those voting in the negative, are,

Mr. Akín	Mr. Frick	Mr. Moore
Anderson	Graham	Morris
Armstrong	P. Green	Nichols
Atherton	W. B. Green	Oliver
Ballingall	Gregg	Pace
Blakely	Harvey	J. M. Palmer
Butler	Hawley	Powers
Carter	Huston	Robinson
F. S. Casey	James	Rountree
Church	A. R. Knapp	Scates
Churchill	Lasater	Servant
Constable	Laughlin	Sharpe
Crain	Loudon	Singleton
R. J. Cross	McCallen	Trower
J. M. Davis	McCully	Vernor
Dunsmore	Mason	Witt
N. W. Edwards	Matheny	Whiteside.
Farwell	Moffett	

Mr. Dawson proposed the following as an additional section:

"SEC. —. The clerks of the several county courts within this state shall perform all ministerial duties appertaining to settlements of estate, which shall be laid before their respective courts, at term time, for their approval or rejection; and said judge and associates shall each be allowed as a compensation for their services, two dollars per day, and no more, to be paid out of their respective county treasuries."

Mr. Scates offered the following as a substitute:

"SEC. —. The legislature shall fix a fee bill for the several officers of this state, whose compensation shall consist of fees for services rendered and the several county courts shall have power to reduce the rate of fee accruing to any officer in the county, by a certain per cent., when, in their opinion, such fees yield more than adequate pay for the services rendered."

The question was taken, by yeas and nays, on the adoption of the substitute,

And decided in the negative,	{ Yeas,	:	:	:	:	45
	{ Nays,	:	:	:	:	80



Those voting in the affirmative, are,

Mr. Adams	Mr. Deitz	Mr. Mason
Armstrong	Eccles	Moffett
Ballingall	Frick	Moore
Blair	Harding	Morris
Blakely	Hay	Nichols
Bond	Henderson	Oliver
Brown	Hogue	Roman
Butler	Holmes	Scates
Carter	Hunsaker	Shields
Z. Casey	Hurlbut	Sibley
Choate	James	Sim
Church	Judd	Turnbull
Churchill	Kreider	Vernor
Crain	McCully	Witt
Dale	Markley	Whitney.

Those voting in the negative, are,

Mr. Akin	Mr. Harvey	Mr. Minshall
Allen	Hatch	Pace
Anderson	Hawley	H. D. Palmer
Archer	Hayes	J. M. Palmer
Atherton	Heacock	Peters
Brockman	Hill	Pinckney
Caldwell	Huston	Pratt
J. M. Campbell	Jackson	Rives
F. S. Casey	Jones	Robbins
Constable	Kenner	Robinson
R. J. Cross	S. Kinney	Rountree
D. Davis	A. R. Knapp	Servant
J. M. Davis	Knox	Sharpe
Dawson	Lander	Simpson
Dummer	Lasater	Spencer
Dunsmore	Laughlin	Swan
C. Edwards	Lemon	Thornton
N. W. Edwards	Loudon	Trower
Graham	McCallen	Turner
Geddes	McClure	Tutt
H. R. Green	McHatton	Vance
P. Green	Manly	Wead
W. B. Green	F. S.-D. Marshall	West
Gregg	T. A. Marshall	Williams
Grimshaw	Matheny	Whiteside
Harlan	Mieure	Woodson
Harper	Miller	Mr. President.

The question was taken, by yeas and nays, on the adoption of the additional section,

And decided in the negative,	{ Yeas,	:	:	:	:	14
	{ Nays,	:	:	:	:	104

Those voting in the affirmative, are,

Mr. Anderson	Mr. Hay	Mr. Robinson
Churchill	Huston	Roman
Dawson	Knowlton	Sim
N. W. Edwards	Mason	Trower.
Harvey	Powers	



Those voting in the negative, are,

Mr. Adams	Mr. Grimshaw	Mr. Miller
Akin	Harding	Minshall
Allen	Harlan	Moffett
Archer	Harper	Moore
Armstrong	Hatch	Morris
Ballingall	Hawley	Northcott
Blakely	Hayes	Oliver
Bond	Henderson	Pace
Bosbyshell	Hogue	H. D. Palmer
Brockman	Holmes	J. M. Palmer
Brown	Hunsaker	Peters
Butler	Hurlbut	Pinckney
Caldwell	Jackson	Pratt
Carter	James	Rives
F. S. Casey	Jones	Robbins
Z. Casey	Judd	Rountree
Choate	Kenner	Scates
Church	S. Kinney	Servant
Constable	A. R. Knapp	Sharpe
Crain	N. M. Krapp	Shields
R. J. Cross	Knox	Simpson
Dale	Kreider	Spencer
D. Davis	Lander	Swan
J. M. Davis	Lasater	Thornton
Dummer	Laughlin	Turnbull
Dunsmore	Lemon	Turner
Eccles	Loudon	Tutt
C. Edwards	McCallen	Vance
Evey	McCully	Vernor
Frick	McClure	Wead
Graham	McHatton	Witt
Geddes	Manly	Whiteside
H. R. Green	Markley	Whitney
P. Green	F. S. D. Marshall	Woodson
W. B. Green	T. A. Marshall	Worcester.
Gregg	Mieure	

Mr. Hurlbut offered the following as an additional section:

"SEC. —. The legislature may pass a general law authorizing township organization in all counties in which a majority of the legal voters may, at any general election, vote for such township organization, and when such township organization shall be established in any county, then the county court hereinbefore provided shall cease to transact county business in such county."

The question was taken, and the additional section adopted.

Mr. Markley moved to strike out the 18th section, and to insert in lieu thereof the following:

"SEC. —. The county judge shall receive an annual salary, to be fixed by the legislature, which shall be paid out of the county treasury, and shall neither be increased nor diminished during his continuance in office. The justices of the peace, for services in courts as provided in this article, shall be paid a per diem out of the county treasury."

Mr. Knowlton called for a division, so as to vote first on striking out.

The question was taken, and decided in the negative.

Mr. Markley then offered the same amendment as an addition to the same section.



The question was taken, and decided in the negative.

The question was taken, and the 18th section adopted.

Mr. R. J. Cross moved to amend the 19th section by striking out the words "not exceeding one hundred dollars."

On motion,

The convention adjourned.

TUESDAY, AUGUST 17, 1847.



Convention assembled pursuant to adjournment.

Prayer by Rev. Mr. H. D. Palmer, a member.

The journal of yesterday was read.

Mr. N. W. Edwards presented the petition of Daniel Wadsworth, and nine others, citizens of Sangamon county, praying that provision may be made in the new constitution for a state superintendent of public instruction, with a liberal salary.

On motion of Mr. N. W. Edwards,

The reading was dispensed with, and the petition referred to the committee on Education.

Mr. Henderson presented the petition of Samuel H. W. Jewett, and fifty-seven others, legal voters of Will county, praying that the constitution be so amended, as to give no support or sanction to any system of slavery, and forever prohibit its existence, together with all involuntary servitude, except as a punishment for crime.

On motion of Mr. Henderson,

The petition was referred to the committee on the Bill of Rights.

Mr. Bosbyshell presented the petition of Daniel T. Simpson, and thirty-three others, praying that a clause may be inserted in the new constitution, that no person shall have the privilege of voting in any county in this state, unless he has first resided in the county wherein he offers his vote for at least six months preceding the election, &c.

On motion of Mr. Bosbyshell,

The reading was dispensed with and the petition referred to the committee on Elections.

On motion of Mr. Ballingall,

He was excused from serving on the committee to prepare an address to the people.

The convention resumed the consideration of the report of the select committee of twenty-seven on the Judiciary Department.

The question pending when the convention adjourned on yesterday was on the motion made by Mr. R. J. Cross to amend the 19th section, by striking out the words "not exceeding one hundred dollars."

Mr. Witt moved to amend the motion by striking out the words "one hundred," and by inserting in lieu of them the words "three hundred."

Mr. Shumway moved the previous question.

The question was taken, and the convention refused to order the previous question.



Mr. Vance moved for a division, so as to vote first on striking out:  
 The question was taken, and decided in the affirmative.  
 The question was taken, by yeas and nays, on striking out,

And decided in the affirmative,	{Yeas,	:	:	:	:	79
	{Nays,	:	:	:	:	65

Those voting in the affirmative, are,

Mr. Adams	Mr. Harper	Mr. Robinson
Anderson	Harvey	Roman
Archer	Hatch	Rountree
Armstrong	Hill	Scates
Atherton	Hunsaker	Sharpe
Ballingall	Huston	Shields
Blair	James	Shumway
Blakely	Judd	Sibley
Bond	S. Kinney	Sim
Carter	Knox	Simpson
Z. Casey	Lander	Singleton
Choate	Lasater	E. O. Smith
Church	Laughlin	Spencer
Churchill	McCully	Stadden
Colby	McClure	Swan
Crain	Markley	Trower
R. J. Cross	Mason	Turner
Dale	Matheny	Tutt
J. M. Davis	Moffett	Vance
Dawson	Moore	West
Deitz	Nichols	Witt
Eccles	Oliver	Whiteside
Frick	Pinckney	Whitney
Graham	Powers	Woodson
H. R. Green	Rives	Worcester
W. B. Green	Robbins	Mr. President.
Harding		

Those voting in the negative, are,

Mr. Akin	Mr. Hawley	Mr. F. S. D. Marshall
Allen	Hay	T. A. Marshall
Bosbyshell	Hayes	Mieure
Brockman	Heacock	Miller
Brown	Henderson	Minshall
Caldwell	Hoes	Morris
J. M. Campbell	Hogue	Northcott
T. Campbell	Holmes	Pace
F. S. Casey	Hurlbut	H. D. Palmer
Constable	Jackson	J. M. Palmer
D. Davis	Jenkins	Peters
T. G. C. Davis	Jones	Pratt
Dummer	Kenner	Servant
Dunsmore	N. M. Knapp	J. Smith
C. Edwards	Knowlton	Thomas
N. W. Edwards	Kreider	Thompson
Evey	Lemon	Thornton
Geddes	Logan	Vernor
P. Green	Loudon	Wead
Gregg	McCallen	Webber
Grimshaw	McHatton	Williams.
Harlan	Manly	



The question was taken, by yeas and nays, on inserting the words  
 "three hundred,"

And decided in the negative,	{ Yeas,	:	:	:	:	51
	{ Nays,	:	:	:	:	87

Those voting in the affirmative, are,

Mr. Adams	Mr. Jenkins	Mr. Robbins
Anderson	Jones	Robinson
Blakely	Judd	Roman
Carter	S. Kinney	Rountree
Z. Casey	Kreider	Scates
Choate	Lasater	Sim
Colby	Laughlin	Simpson
Crain	Logan	Spencer
R. J. Cross	McCully	Stadden
Dale	Markley	Turner
J. M. Davis	Matheny	Tutt
Dawson	Muller	Williams
Deitz	Moffett	Witt
Frick	Moore	Whiteside
Graham	Nichols	Whitney
W. B. Green	Oliver	Woodson
Huston	Powers	Mr. President.

Those voting in the negative, are,

Mr. Akin	Mr. Gregg	Mr. McHatton
Allen	Grimshaw	Manly
Archer	Harding	F. S. D. Marshall
Armstrong	Harlan	T. A. Marshall
Atherton	Harper	Mason
Ballingall	Harvey	Mieure
Blair	Hatch	Minshall
Bond	Hawley	Morris
Bosbyshell	Hay	Northcott
Brockman	Hayes	Pace
Brown	Heacock	H. D. Palmer
Caldwell	Henderson	J. M. Palmer
J. M. Campbell	Hill	Peters
T. Campbell	Hoes	Pinckney
F. S. Casey	Hogue	Pratt
Church	Holmes	Rives
Churchill	Hunsaker	Servant
Constable	Hurlbut	Shields
D. Davis	Jackson	Sibley
T. G. C. Davis	James	E. O. Smith
Dummer	Kenner	Thomas
Dunsmore	A. R. Knapp	Thompson
Eccles	N. M. Knapp	Thornton
C. Edwards	Knowlton	Trower
N. W. Edwards	Knox	Vance
Evey	Lander	Vernor
Geddes	Lemon	Webber
H. R. Green	McCallen	West
P. Green	McClure	Worcester.



Mr. T. G. C. Davis moved to fill the blank with the words "two hundred."

The question was taken, by yeas and nays,

And decided in the negative,	{Yeas,	:	:	:	:	71
	{Nays,	:	:	:	:	73

Those voting in the affirmative, are,

Mr. Adams  
Anderson  
Blakely  
Bond  
Brown  
Caldwell  
Carter  
Z. Casey  
Choate  
Churchill  
Colby  
Crain  
Dale  
J. M. Davis  
T. G. C. Davis  
Dawson  
Frick  
Graham  
P. Green  
W. B. Green  
Harper  
Hill  
Hogue  
Huston

Mr. Jenkins  
Jones  
Judd  
S. Kinney  
Kreider  
Lasater  
Laughlin  
Logan  
McCully  
McHatton  
Markley  
Mason  
Matheny  
Mieure  
Miller  
Moffett  
Moore  
Nichols  
Oliver  
H. D. Palmer  
Pinckney  
Powers  
Robinson

Mr. Roman  
Roantree  
Scates  
Servant  
Sharpe  
Shunway  
Sim  
Simpson  
E. O. Smith  
Spencer  
Stadden  
Swan  
Trower  
Turner  
Tutt  
Vance  
Vernor  
West  
Williams  
Witt  
Whitney  
Woodson  
Worcester.

Those voting in the negative, are,

Mr. Akin  
Allen  
Archer  
Armstrong  
Atherton  
Ballingall  
Blair  
Bosbyshell  
Broekman  
Butler  
J. M. Campbell  
T. Campbell  
F. S. Casey  
Church  
Constable  
R. J. Cross  
D. Davis  
Deitz  
Dummer  
Dunsmore  
Eccles  
C. Edwards  
N. W. Edwards  
Evey  
Geddes

Mr. H. R. Green  
Gregg  
Grimshaw  
Harding  
Harlan  
Harvey  
Hatch  
Hawley  
Hay  
Hayes  
Heacock  
Henderson  
Hoes  
Holmes  
Hunsaker  
Hurlbut  
Jackson  
James  
Kenner  
A. R. Knapp  
N. M. Knapp  
Knowlton  
Knox  
Lander

Mr. Lemon  
Linley  
McCallen  
McClure  
Manly  
F. S. D. Marshall  
T. A. Marshall  
Minshall  
Morris  
Northcott  
Pace  
J. M. Palmer  
Peters  
Pratt  
Rives  
Robbins  
Shields  
Sibley  
J. Smith  
Thomas  
Thompson  
Thornton  
Webber  
Whiteside.



Mr. West moved to fill the blank with "one hundred and fifty."  
The question was taken, by yeas and nays,

And decided in the negative,	{ Yeas,	:	:	:	:	65
	{ Nays,	:	:	:	:	76

Those voting in the affirmative, are,

Mr. Akin	Mr. Hay	Mr. Moore
Allen	Hayes	Morris
Blakely	Hill	Nichols
Caldwell	Hogue	Oliver
Carter	Hurlbut	H. D. Palmer
Z. Casey	Huston	J. M. Palmer
Choate	Jenkins	Pinckney
Church	Jones	Servant
Colby	Kenner	Sharpe
Constable	A. R. Knapp.	Sim
Crain	Kreider	Spencer
D. Davis	Lasater	Stadden
T. G. C. Davis	Lemon	Swan
Dawson	Logan	Thornton
N. W. Edwards	McHatton	Vance
Frick	Markley	Vernor
Graham	T. A. Marshall	West
Geddes	Matheny	Williams
P. Green	Mieure	Woodson
W. B. Green	Miller	Worcester.
Harper	Minshall	Mr. President.
Hawley	Moffett	

Those who voted in the negative, are,

Mr. Adams	Mr. Grimshaw	Mr. Northcott
Anderson	Harding	Pace
Archer	Harlan	Peters
Armstrong	Harvey	Powers
Atherton	Hatch	Pratt
Ballingall	Heacock	Rives
Blair	Henderson	Robbins
Bond	Hoes	Robinson
Bosbyshell	Holmes	Roman
Brockman	Hunsaker	Rountree
Brown	Jackson	Scates
J. M. Campbell	James	Shields
T. Campbell	Judd	Shumway
F. S. Casey	S. Kinney	Sibley
Churchill	N. M. Knapp.	Simpson
R. J. Cross	Knowlton	J. Smith
Dale	Knox	Thomas
J. M. Davis	Lander	Thompson
Deitz	Laughlin	Trower
Dummer	McCallen	Turner
Dunsmore	McCully	Tutt
Eccles	McClure	Webber
C. Edwards	Manly	Witt
Evey	F. S. D. Marshall	Whiteside
H. R. Green	Mason	Whitney.
Gregg		



Mr. H. R. Green moved to fill the blank with "fifty."

Mr. Bosbyshell moved to fill the blank with "one hundred and ten."

Mr. Robbins moved to fill the blank with "five hundred."

Mr. Brockman moved to reconsider the vote on striking out:

The question was taken, by yeas and nays, on reconsidering,

And decided in the affirmative,	{ Yeas,	:	:	:	:	59
	{ Nays,	:	:	:	:	80

Those voting in the affirmative, are,

Mr. Akin	Mr. Gregg	Mr. Manly
Bosbyshell	Harlan	F. S. D. Marshall
Brockman	Hawley	T. A. Marshall
Caldwell	Hay	Mieure
J. M. Campbell	Hayes	Minshall
T. Campbell	Heacock	Morris
Carter	Henderson	Northcott
F. S. Casey	Hoes	Oliver
Choate	Hogue	H. D. Palmer
Churchill	Holmes	J. M. Palmer
Colby	Hurlbut	Pratt
Constable	Jones	Robbins
Crain	Kenner	J. Smith
D. Davis	S. Kinney	Swan
T. G. C. Davis	A. R. Knapp	Thompson
Dummer	N. M. Knapp	Thornton
Dunsmore	Knowlton	Vernor
C. Edwards	Logan	Webber
N. W. Edwards	Loudon	Williams.
Evey	McCallen	

Those voting in the negative, are,

Mr. Adams	Mr. Harvey	Mr. Robinson
Allen	Hatch	Roman
Anderson	Hill	Rountree
Archer	Hunsaker	Scates
Armstrong	Huston	Servant
Atherton	Jackson	Sharpe
Ballingall	James	Shields
Blair	Jenkins	Shumway
Blakely	Judd	Sibley
Bond	Knox	Sim
Zadok Casey	Kreider	Simpson
Church	Lander	E. O. Smith
R. J. Cross	Lasater	Spencer
Dale	Laughlin	Stadden
J. M. Davis	Lemon	Thomas
Dawson	McCully	Trower
Deitz	McClure	Turner
Eccles	McHatton	Tutt
Frick	Markley	Vance
Graham	Mason	Wead
Geddes	Matheny	West
H. R. Green	Miller	Witt
P. Green	Moffett	Whiteside
W. B. Green	Moore	Whitney
Grimshaw	Nichols	Woodson
Harding	Powers	Worcester.
Harper	Rives	Mr. President.



The question was taken on inserting "fifty," and decided in the negative.

The question was taken on inserting "one hundred and ten," and decided in the negative.

Mr. Robbins withdrew the motion to insert "five hundred."

Mr. Constable moved to reconsider the vote refusing to insert "two hundred."

The question was taken, and decided in the negative.

The question recurring upon the amendment proposed by Mr. R. J. Cross, to strike out the words "not exceeding one hundred dollars," it was put,

The question was taken, by yeas and nays,

And decided in the affirmative,	{ Yeas,	:	:	:	:	103
	{ Nays,	:	:	:	:	29

Those voting in the affirmative, are,

Mr. Adams	Mr. Harper	Mr. Minshall
Allen	Harvey	Moore
Anderson	Hatch	Nichols
Archer	Hawley	Powers
Armstrong	Hay	Rives
Atherton	Henderson	Robbins
Ballingall	Hill	Robinson
Blair	Hogue	Roman
Blakely	Hunsaker	Rountree
Bond	Hurlbut	Scates
Brockman	Huston	Servant
Butler	Jackson	Sharpe
Caldwell	James	Shields
Z. Casey	Jones	Shumway
Choate	S. Kinney	Sibley
Church	A. R. Knapp	Sim
Churchill	Knowlton	Simpson
Crain	Knox	E. O. Smith
R. J. Cross	Kreider	Spencer
Dale	Lander	Stadden
T. G. C. Davis	Lasater	Swan
Dawson	Laughlin	Trower
Deitz	Lemon	Turner
Eccles	Loudon	Tutt
C. Edwards	McCallen	Vance
Frick	McCully	Webber
Graham	McClure	West
Geddes	McHatton	Williams
H. R. Green	Manly	Witt
P. Green	Markley	Whiteside
W. B. Green	F. S. D. Marshall	Whitney
Gregg	T. A. Marshall	Woodson
Grimshaw	Mason	Worcester
Harding	Matheny	Mr. President.

Those voting in the negative, are,

Mr. Akin	Mr. Constable	Mr. Evey
Bosbyshell	D. Davis	Harlan
T. Campbell	Dummer	Hayes
Carter	Dunsmore	Heacock
F. S. Casey	N. W. Edwards	N. M. Knapp



Mr. Logan  
Mieure  
Morris  
Northcott  
Oliver

Mr. Pace  
H. D. Palmer  
J. M. Palmer  
Peters  
Pratt

Mr. Thompson  
Thornton  
Vernor  
Wead.

Mr. J. M. Davis moved to amend the same section by inserting the words "in such districts as the general assembly may direct," after the word "state," in the first line.

The question was taken, by yeas and nays,

And decided in the affirmative,	{ Yeas,	:	:	:	:	123
	{ Nays,	:	:	:	:	7

Those voting in the affirmative, are,

Mr. Adams  
Akin  
Allen  
Anderson  
Archer  
Armstrong  
Atherton  
Ballingall  
Blair  
Blakely  
Bosbyshell  
Brockman  
Brown  
Butler  
T. Campbell  
Carter  
F. S. Casey  
Zadok Casey  
Choate  
Church  
Churchill  
Colby  
Constable  
Crain  
Dale  
J. M. Davis  
Dawson  
Dummer  
Dunsmore  
Eccles  
C. Edwards  
N. W. Edwards  
Evey  
Frick  
Geddes  
P. Green  
W. B. Green  
Grimshaw

Mr. Harding  
Harlan  
Harper  
Hatch  
Hawley  
Hay  
Heacock  
Henderson  
Hill  
Hogue  
Hunsaker  
Hurlbut  
Jackson  
James  
Jones  
S. Kinney  
N. M. Knapp  
Knowlton  
Kreider  
Lander  
Lasater  
Laughlin  
Lemon  
Logan  
McCallen  
McCully  
McClure  
McHatton  
Manly  
Markley  
F. S. D. Marshall  
T. A. Marshall  
Mason  
Mieure  
Minshall  
Moffett  
Moore  
Nichols

Mr. Northcott  
Oliver  
Pace  
H. D. Palmer  
J. M. Palmer  
Peters  
Pratt  
Rives  
Robbins  
Robinson  
Rountree  
Scates  
Servant  
Sharpe  
Shields  
Shumway  
Sibley  
Sim  
Simpson  
E. O. Smith  
Spencer  
Thornton  
Trower  
Turner  
Tutt  
Vance  
Vernor  
Wead.  
Webber  
West  
Williams  
Witt  
Whiteside  
Whitney  
Woodson  
Worcester.  
Mr. President.

Those voting in the negative, are,

Mr. R. J. Cross  
Graham  
Huston

Mr. Judd  
Kenner

Mr. Miller  
Stadden.



Mr. Graham offered the following as a substitute for the section:

"There shall be elected in each county in this state, in such districts or townships as the county court may designate, or as may be otherwise authorized by law, as many justices of the peace, constables and other officers and agents as may be necessary to conduct the business of said counties respectively, whose jurisdiction and duties shall be defined by the legislature."

The question was taken, and the substitute rejected.

On motion of Mr. Constable,

The 20th section was stricken out.

Mr. Archer moved to amend the 21st section, by adding thereto the following:

"*Provided*, that the legislature may hereafter provide by law for the election, by the qualified voters of each county in this state, of one prosecuting attorney for each county, in lieu of the circuit attorneys provided for in this section. The term of office, duties and compensation of which county attorneys shall be regulated by law."

On motion,

The convention adjourned to three o'clock. P. M.

THREE O'CLOCK, P. M.



The convention assembled pursuant to adjournment.

On motion of Mr. Lemon,

A call of the convention was ordered.

The call was proceeded in for some time, when it appeared that the following gentlemen were absent, viz:

Messrs. Ballingall, Bosbyshell, Brockman, Bunsen, Butler, Canady, Carter, Choate, Colby, Constable, S. J. Cross, Dement, Dunlap, Dunn, Edmonson, Farwell, W. B. Green, Grimshaw, Hay, Hoes, Hurlbut, A. R. Knapp, Knowlton, Linley, Lockwood, Logan, Matheny, Miller, Norton, Servant, Sherman, Sim, Turnbull, Tuttle, Webber, and Whiteside—36.

On motion of Mr. C. Edwards,

Mr. Constable was excused in consequence of illness.

The convention resumed the consideration of the report of the select committee of twenty-seven, on the Judiciary Department.

The question pending when the convention adjourned this morning, was on the motion made by Mr. Woodson, to lay the amendment to the 21st section, proposed by Mr. Archer, on the table.

Mr. Woodson withdrew the motion.

The question was taken, by yeas and nays, on the adoption of the amendment,

And decided in the affirmative,	{ Yeas,	:	:	:	:	:	77
	{ Nays,	:	:	:	:	:	61



Those voting in the affirmative, are,

Mr. Adams	Mr. Hatch	Mr. Markley
Allen	Hawley	T. A. Marshall
Anderson	Hayes	Mieure
Archer	Heacock	Miller
Armstrong	Henderson	Moore
Atherton	Hill	Nichols
Ballingall	Hoes	J. M. Palmer
Bosbyshell	Hogue	Pinekney
Brockman	Holmes	Powers
J. M. Campbell	Hunsaker	Pratt
Church	Huston	Roman
Churchill	Jackson	Rountree
R. J. Cross	James	Sharpe
J. M. Davis	Jones	Shields
T. G. C. Davis	Kenner	Simpson
Dunsmore	S. Kinney	Spencer
Eccles	N. M. Knapp	Stadden
Evey	Knox	Turner
Frick	Kreider	Tutt
Geddes	Lander	Wead
P. Green	Lasater	Webber
W. B. Green	Laughlin	Whiteside
Gregg	McClure	Whitney
Harding	McHatten	Worcester
Harlan	Manly	Mr. President.
Harvey		

Those voting in the negative, are,

Mr. Akin	Mr. Harper	Mr. Robinson
Blakely	Hurlbut	Scates
Bond	Jenkins	Servant
Brown	Judd	Shumway
Caldwell	Knowlton	Sibley
T. Campbell	Lemon	Sim
F. S. Casey	Loudon	Singleton
Z. Casey	McCallen	E. O. Smith
Choate	McCully	J. Smith
Crain	F. S. D. Marshall	Swan
Dale	Mason	Thomas
D. Davis	Minshall	Thompson
Dawson	Moffett	Thornton
Deitz	Morris	Trower
Dummer	Oliver	Vance
C. Edwards	Pace	Vernor
N. W. Edwards	H. D. Palmer	West
Farwell	Peters	Williams
Graham	Rives	Witt
H. R. Green	Robbins	Woodson.
Grimshaw		

Mr. Servant moved to amend the section, as amended, by adding thereto the following proviso:

"*Provided*, that the only compensation of county attorneys be fees, to be collected from the defendant in criminal prosecutions; not to exceed five dollars in each case."

The question was taken, and decided in the negative.

The question was taken, by yeas and nays, on the adoption of this section, as amended,

And decided in the affirmative, { Yeas, . . . . . 88  
Nays, . . . . . 49



Those voting in the affirmative, are,

Mr. Adams	Mr. Harlan	Mr. Matheny
Allen	Harper	Mieure
Anderson	Harvey	Miller
Archer	Hatch	Moffett
Armstrong	Hawley	Moore
Atherton	Hayes	Nichols
Ballingall	Heacock	Oliver
Bond	Henderson	Pinckney
Bosbyshell	Hill	Powers
Brockman	Hoes	Pratt
Brown	Hogue	Rohan
Butler	Holmes	Rountree
Caldwell	Hunsaker	Scates
Carter	Huston	Shields
Choate	Jackson	Simpson
Churchill	James	J. Smith
Colby	Jones	Spencer
Crain	Kenner	Stadden
R. J. Cross	N. M. Knapp	Swan
Dale	Knox	Thompson
J. M. Davis	Kreider	Turner
T. G. C. Davis	Lander	Tutt
Deitz	Lasater	Wead
Eccles	Laughlin	Webber
Evey	Logan	Williams
Geddes	McClure	Whiteside
P. Green	McHatton	Whitney
W. B. Green	Manly	Worcester
Gregg	Markley	Mr. President.
Harding		

Those voting in the negative, are,

Mr. Akin	Mr. Jenkins	Mr. Robbins
Blakely	Judd	Robinson
J. M. Campbell	S. Kinney	Servant
T. Campbell	A. R. Knapp	Sharpe
F. S. Casey	Knowlton	Shumway
Z. Casey	Lemon	Sibley
D. Davis	McCallen	Sim
Dawson	McCully	E. O. Smith
Dummer	F. S. D. Marshall	Thomas
C. Edwards	Mason	Thornton
N. W. Edwards	Minshall	Trower
Farwell	Morris	Vance
Frick	Pace	Vernor
Graham	H. D. Palmer	West
H. R. Green	Peters	Witt
Grimshaw	Rives	Woodson.
Hurlbut		

On motion of Mr. Thomas,

The 22d section was amended by striking out the 4th and 5th lines.

On motion of Mr. Thornton,

The same section was amended by striking out the word "commissioned," in the second line, and by inserting in lieu thereof the word "elected."

Mr. Markley moved to reconsider the vote taken on striking out the last two lines of the same section.



The question was taken, and decided in the negative.

Mr. Thomas moved to amend the same section, as amended, by adding the following proviso:

"*Provided*, that no person shall be eligible to the office of clerk of any circuit court who shall not have obtained a certificate from the supreme court, stating that he is qualified to perform the duties of the office."

On motion of Mr. Akin,

The amendment was laid on the table.

On motion of Mr. Whiteside,

The same section, as amended, was further amended by adding the following:

"The clerks of the supreme court shall be elected in each division by the qualified electors thereof, for the term of six years, and until their successors are elected and qualified, whose duties and compensation shall be provided by law."

On motion of Mr. F. S. D. Marshall,

The following blank sections were adopted.

"SEC. —. All judges, clerks, justices of the peace, and prosecuting attorneys shall be commissioned by the governor.

"SEC. —. All process, writs, and other proceedings shall run in the name of '*The people of the state of Illinois.*' All prosecutions shall be carried on '*In the name and by the authority of the people of the state of Illinois,*' and conclude '*against the peace and dignity of the same.*'"

Mr. Markley moved the following as an additional section to follow section 6th:

"SEC. —. One justice of the supreme court, shall be elected from each division, by the qualified electors of the state, for the term of nine years. The 3d and — sections of this acticle shall be submitted seperately, as alternate propositions, and the section having the greater number of votes, shall be and become section three of this article."

On motion of Mr. Deitz,

The proposed section was laid on the table, { Yeas, . . . 72  
Nays, . . . 57

Those voting in the affirmative, are,

Mr. Adams  
Akin  
Allen  
Atherton  
Bond  
Caldwell  
Church  
R. J. Cross  
D. Davis  
J. M. Davis  
T. G. C. Davis  
Dawson  
Deitz  
Dummer  
Dunsmore  
Eccles  
C. Edwards

Mr. N. W. Edwards  
Frick  
Graham  
Geddes  
P. Green  
W. B. Green  
Gregg  
Grimshaw  
Harding  
Harlan  
Harper  
Heacock  
Hill  
Hogue  
Holmes  
Hurlbut  
Jackson

Mr. Kenner  
S. Kinney  
A. R. Knapp  
N. M. Knapp  
Knowlton  
Knox  
Lemon  
Logan  
Loudon  
McCallen  
F. S. D. Marshall  
Mason  
Matheny  
Mieure  
Miller  
Minshall  
Oliver



Mr. H. D. Palmer  
Pinckney  
Rives  
Robbins  
Robinson  
Roman  
Servant  
Sharpe

Mr. Sibley  
Sim  
E. O. Smith  
J. Smith  
Spencer  
Swan  
Thomas

Mr. Thornton  
Turner  
Vance  
Webber  
West  
Williams  
Woodson.

Those voting in the negative, are,

Mr. Anderson  
Archer  
Armstrong  
Ballingall  
Blair  
Bosbyshell  
Brockman  
Brown  
J. M. Campbell  
T. Campbell  
Carter  
F. S. Casey  
Z. Casey  
Choate  
Churchill  
Colby  
Dale  
Evey  
Harvey  
Hatch

Mr. Hawley  
Hayes  
Henderson  
Hoes  
Hunsaker  
Huston  
James  
Jenkins  
Kreider  
Lasater  
Laughlin  
Linley  
McCully  
McClure  
McHatton  
Manly  
Markley  
Moffett  
Moore  
Morris

Mr. Nichols  
Pace  
J. M. Palmer  
Peters  
Powers  
Pratt  
Roantree  
Scates  
Shields  
Shumway  
Simpson  
Stadden  
Thompson  
Vernor  
Wead  
Witt  
Whiteside  
Worcester  
Mr. President.

On motion Mr. Pratt,

The following additional section was adopted:

SEC. —. The legislature may authorize the judgments, decrees and decisions of any local inferior court of record, of original, civil or criminal jurisdiction, established in a city, to be removed for revision directly into the supreme court.

On motion of Mr. Thornton,

The vote taken on the adoption of the sixth section, was reconsidered.

On motion of Mr. Logan,

The vote ordering the main question on the adoption of the 6th section was reconsidered.

The question was taken on ordering the main question, and decided in the negative.

Mr. Thornton offered the following as a substitute for the sixth section:

"The supreme court shall hold one term annually in each of the aforesaid grand divisions, at such time and place in each of said divisions as may be provided for by law."

The question was taken, by yeas and nays,

And decided in the affirmative,	{ Yeas,	:	:	:	:	89
	{ Nays,	:	:	:	:	48



Those voting in the affirmative, are,

Mr. Adams	Mr. P. Green	Mr. Oliver
Akin	Grimshaw	Pace
Allen	Harding	H. D. Palmer
Atherton	Harper	J. M. Palmer
Blair	Heacock	Peters
Bond	Hill	Pinckney
Brown	Holmes	Rives
Caldwell	Hurlbut	Robinson
T. Campbell	Jackson	Roman
Canady	Jones	Scates
F. S. Casey	Judd	Servant
Z. Casey	Kenner	Sibley
Choate	S. Kinney	Sim
Church	A. R. Knapp	E. O. Smith
Churchill	N. M. Knapp	J. Smith
R. J. Cross	Knowlton	Spencer
D. Davis	Knox	Swan
J. M. Davis	Lander	Thomas
T. G. C. Davis	Lasater	Thornton
Dawson	Lemon	Turner
Deitz	Logan	Vance
Dummer	Loudon	Vernor
Dunsmore	McCully	West
Eccles	F. S. D. Marshall	Williams
C. Edwards	Mason	Witt
N. W. Edwards	Matheny	Whiteside
Evey	Mieure	Whitney
Farwell	Miller	Woodson
Graham	Minshall	Worcester.
Geddes	Moffett	

Those who voted in the negative, are,

Mr. Anderson	Mr. Hawley	Mr. Moore
Archer	Hayes	Morris
Armstrong	Henderson	Nichols
Ballingall	Hoes	Powers
Blakely	Hogue	Pratt
Bosbyshell	Hunsaker	Robbins
Brockman	Huston	Rountree
J. M. Campbell	James	Shields
Carter	Jenkins	Shumway
Colby	Kreider	Simpson
Dale	Laughlin	Stadden
Frick	Linley	Thompson
Gregg	McClure	Trower
Harlan	McHatton	Wead
Harvey	Manly	Webber
Hatch	Markley	Mr. President.

Mr. Markley moved to amend the substitute by adding thereto the following proviso:

"Provided, however, that the general assembly may, after the years eighteen hundred and fifty-five, direct by law that the said court shall be held in each judicial circuit."

The question was taken, by yeas and nays,

And decided in the negative,	{ Yeas,	.	.	.	.	40
	{ Nays,	.	.	.	.	86



Those voting in the affirmative, are,

Mr. Archer  
Armstrong  
Ballingall  
Blair  
Brockman  
J. M. Campbell  
Carter  
Choate  
Churchill  
Farwell  
Frick  
P. Green  
Harlan  
Harvey

Mr. Hatch  
Hawley  
Henderson  
Hunsaker  
Huston  
Jenkins  
Kreider  
Laughlin  
Linley  
McClure  
McHatton  
Manly  
Markley

Mr. Nichols  
J. M. Palmer  
Peters  
Powers  
Rives  
Rountree  
Shields  
Simpson  
Thompson  
Trower  
Vance  
Webber  
Mr. President.

Those voting in the negative, are,

Mr. Adams  
Akin  
Allen  
Anderson  
Atherton  
Bond  
Brown  
Caldwell  
F. S. Casey  
Z. Casey  
Church  
Colby  
Crain  
R. J. Cross  
Dale  
D. Davis  
J. M. Davis  
T. G. C. Davis  
Dawson  
Deitz  
Dummer  
Dunsmore  
Eccles  
C. Edwards  
N. W. Edwards  
Graham  
Geddes  
Grimshaw  
Harding

Mr. Harper  
Hayes  
Heacock  
Hill  
Hogue  
Holmes  
Hurlbut  
Jackson  
James  
Jones  
Kenner  
S. Kinney  
A. R. Knapp  
N. M. Knapp  
Knowlton  
Knox  
Lander  
Lasater  
Lemon  
Logan  
Loudon  
McCully  
F. S. D. Marshall  
Mason  
Matheny  
Mieure  
Miller  
Minshall  
Moffett

Mr. Moore  
Oliver  
Pace  
H. D. Palmer  
Pratt  
Robbins  
Robinson  
Roman  
Scates  
Servant  
Sharpe  
Sibley  
Sim  
E. O. Smith  
J. Smith  
Spencer  
Swan  
Thomas  
Thornton  
Turner  
Vernor  
West  
Williams  
Witt  
Whiteside  
Whitney  
Woodson  
Worcester.

On motion,  
The convention adjourned.

WEDNESDAY, AUGUST 18, 1847.

Convention met pursuant to adjournment.

The journal of Saturday was read.

On motion of Mr. Gregg,

Leave of absence was granted to Mr. Sherman, for two weeks, in consequence of sickness.



On motion of Mr. Archer,

Leave of absence was granted to Mr. Butler for two weeks.

On motion of Mr. Eccles,

Leave of absence was granted to Mr. Edmonson for seven days, in consequence of sickness.

Mr. Churchill, from the special committee to which was referred the subject of agriculture, &c., made the following report from the majority of said committee, as suitable to be engrafted into the new constitution:

## ARTICLE —.

SECTION 1. The general assembly shall encourage internal improvements, by passing liberal general laws of incorporation for that purpose.

SEC. 2. The general assembly shall provide by law for a geological survey of the state, when the finances of the state shall justify it.

Mr. Churchill, from the minority of the same committee, reported the following as suitable to be engrafted into the new constitution:

## ARTICLE —.

### AGRICULTURE.

SECTION 1. The general assembly shall pass such general laws as may be necessary to promote the interests of agriculture.

SEC. 2. The general assembly shall pass general laws to allow counties and townships to levy taxes and impose fines for agricultural purposes; and townships to levy taxes to establish agricultural and general libraries and superintend the same.

SEC. 3. The superintendent of schools for the state, counties and townships may be made superintendent of the interests of agriculture, and the general assembly shall provide by law, through these and other school officers or otherwise, for the collection annually of all agricultural statistics, and the deposit and safe keeping of the same; and shall provide for the introduction of agricultural science to the common schools of this state, and the publication and circulation of statistics.

SEC. 4. The general assembly may authorize by law the election of a board of agriculture, to be composed of not less than one member from each senatorial district, whose duty shall be to recommend to the general assembly the passage of such laws as may be necessary to promote the interests of agriculture, and such other duties as may by law be assigned them. Said board shall meet at such time and place as the superintendent or other officer may direct, until otherwise provided by law, and the state superintendent of agriculture shall be the presiding officer. Five of the board shall form a quorum to do business, but no law passed by the general assembly on the recommendation of said board shall be binding, or in any manner affect any district not represented in said board, unless passed by the general assembly as a general law, and declared so to be. Said board of agriculture shall be also a board of education, and the duties of the board shall be defined by law.



SEC. 5. The members of the board of agriculture shall receive no salary or per diem from the revenues of the state.

On motion of Mr. Churchill,

The reading of the reports was dispensed with, and 250 copies ordered to be printed for the use of the convention.

Mr. N. M. Knapp, from the committee on Law Reform, reported the following preamble, article and sections to be engrafted into the revised constitution:

#### PREAMBLE.

We, the people of the state of Illinois, in order to form a more perfect government, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the state of Illinois:

#### ARTICLE 1.

SECTION 1. The boundaries and jurisdiction of the state shall continue to be as follows, to wit: Beginning at the mouth of the Wabash river, thence up the same, and with the line of Indiana to the north-west corner of said state, thence east with the line of the same state to the middle of Lake Michigan, thence north along the middle of said lake to the north latitude forty-two degrees and thirty minutes; thence west to the middle of the Mississippi river, and thence down along the middle of that river to its confluence with the Ohio river; and thence up the latter river along its north-western shore, to the beginning.

#### ARTICLE 2.

SECTION 1. The powers of the government of the state of Illinois shall be divided into three distinct departments, and each of them to be confided to a separate body of magistracy, to wit: those which are legislative, to one; those which are executive, to another; and those which are judiciary, to another.

SEC. 2. No person or collection of persons, being one of those departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted; and all acts in contravention of this section shall be void.

SEC. —. The governor shall nominate, and by and with the advice and consent of the senate, (a majority of all the senators concurring) appoint all officers whose offices are established by this constitution, or which may be created by law, and whose appointments are not herein otherwise provided for; and no such officer shall be elected or appointed by the general assembly; *Provided, further*, that officers whose jurisdiction and duties are confined within the limits of a county, and whose appointments are not herein otherwise provided for, shall be appointed in such manner as the general assembly shall prescribe.



SEC. —. No person shall be elected or appointed to any office in this state who is not a citizen of the United States, and who shall not have resided in this State one year next before the election or appointment. Every person who shall be chosen or appointed to any office of trust or profit, shall, before entering upon the duties thereof, take an oath to support the constitution of the United States and of this State, and also an oath of office.

The minority of males shall cease at twenty-one, and of females, at eighteen years of age.

On motion of Mr. N. M. Knapp,

The reading of the report was dispensed with, and 250 copies ordered to be printed for the use of the convention.

Mr. Pratt, from the committee on Finance, to which was referred an article proposed for insertion in the new constitution by Mr. C. Edwards, reported the same back, and asked to be discharged from the further consideration thereof.

The question was taken, and the committee discharged.

On motion of Mr. Archer,

A call of the convention was ordered.

The call was proceeded in for some time, when it appeared that the following gentlemen were absent:

Messrs. Brown, Bunsen, Butler, Constable, S. J. Cross, T. G. C. Davis, Dement, Dunn, Edmonson, N. W. Edwards, Evey, Farwell, P. Green, Grimshaw, Hay, Holmes, James, W. C. Kinney, Kitchell, Knox, Lauder, Lockwood, Logan, Matheny, Minshall, Northcott, Norton, Pace, Rives, Sherman, J. Smith, Thompson, Tuttle, Wead and Williams—35.

On motion of Mr. Markley,

Further proceedings under the call were dispensed with.

The convention resumed the consideration of the report of the select committee of twenty-seven on the judiciary department.

Mr. Harvey moved the following as a proviso to the 6th section as amended:

“*Provided*, that after the year 1850, the general assembly may provide by law that a term of the supreme court shall be held in two places in any one or more of the said grand divisions, if in their opinion the public good requires it.”

The question was taken, by yeas and nays, on the adoption of the amendment,

And decided in the negative,	{ Yeas,	:	:	:	:	56
	{ Nays,	:	:	:	:	77

Those voting in the affirmative, are,

Mr. Adams  
Anderson  
Archer  
Armstrong  
Ballingall  
Blair  
Blakely  
Brockman  
J. M. Campbell

Mr. T. Campbell  
Carter  
Church  
Churchill  
Colby  
Crain  
R. J. Cross  
Dale  
Deitz

Mr. Farwell  
Frick  
Gregg  
Harlan  
Harvey  
Hatch  
Hawley  
Heacock  
Henderson



Mr. Hill	Mr. Markley	Mr. Shumway
Hoes	Morris	Simpson
Hunsaker	Nichols	Spencer
Huston	Oliver	Stadden
Jenkins	Peters	Thompson
Kreider	Powers	Trower
Laughlin	Pratt	Tutt
McClure	Robbins	Webber
McHatton	Rountree	Mr. President.
Manly	Shields	

Those voting in the negative, are,

Mr. Akin	Mr. Hogue	Mr. Pinckney
Allen	Holmes	Rives
Atherton	Hurlbut	Robinson
Bond	Jackson	Roman
Bosbyshell	Jones	Scates
Brown	Judd	Servant
Caldwell	Kenner	Sharpe
Canaday	S. Kinney	Sibley
F. S. Casey	A. R. Knapp	Sim
Z. Casey	Knowlton	J. Smith
Choate	Knox	Swan
D. Davis	Lasater	Thomas
J. M. Davis	Lemon	Thornton
Dawson	Linley	Turnbull
Dummer	Lockwood	Turner
Dunsmore	Loudon	Tuttle
Eccles	McCallen	Vance
C. Edwards	McCully	Vernor
Graham	F. S. D. Marshall	West
Geddes	Mason	Williams
H. R. Green	Mieure	Witt
P. Green	Miller	Whiteside
W. B. Green	Minshall	Whitney
Harding	Moffett	Woodson
Harper	Moore	Worcester.
Hayes	H. D. Palmer	

The question was taken on the adoption of the 6th section, as amended, and decided in the affirmative.

Mr. Armstrong moved to amend the 7th section by striking out the word "twelve," in the first line, and by inserting the word "nine" in lieu thereof.

Mr. Scates called for a division of the question, so as to vote first on striking out.

The question was taken, and the convention refused to divide the question.

The question was taken on the amendment proposed by Mr. Armstrong, and decided in the affirmative.

The question was taken on the adoption of the 7th section, as amended, and decided in the affirmative.

The question was consecutively taken on the adoption of the 8th and 9th sections, and decided in the affirmative.

On motion of Mr. Woodson,

The tenth section was amended by striking out the word "hold," in the fourth line, and by inserting in lieu thereof the words "be eligible to."

Mr. Scates moved to amend the 10th section by striking out the words "nor the United States," in the 4th line, and by striking out all after the word "thereafter," in the 5th line.



The question was taken, and decided in the negative.

On motion of Mr. Thomas,

The same section was amended by inserting after the word "trust," in the fourth line, the words "or profit."

Mr. C. Edwards moved to strike out the words "twelve hundred," in the first line of the same section, and to insert in lieu thereof, the words "fifteen hundred."

Mr. Rountree called for a division, so as to vote first on striking out.

The question was taken, and the convention refused to order a division.

The question was taken, by yeas and nays, on the adoption of the amendment,

And decided in the negative,	{ Yeas, . . . . .	44
	{ Nays, . . . . .	104

Those voting in the affirmative, are,

Mr. Anderson	Mr. Grimshaw	Mr. Powers
Ballingall	Heacock	Pratt
Bosbyshell	Hurlbut	Roman
Brown	Judd	Servant
T. Campbell	S. Kinney	Sharpe
Choate	A. R. Knapp	Sibley
Church	Knowlton	Singleton
D. Davis	Knox	Swan
Dummer	Lockwood	Thomas
C. Edwards	Mason	Thompson
H. R. Green	Minshall	Webber
W. B. Green	Peters	Williams
Gregg	Pinckney	Worcester.

Those voting in the negative, are,

Mr. Adams	Mr. N. W. Edwards	Mr. Laughlin
Akin	Farwell	Lemon
Allen	Frick	Linley
Archer	Graham	Logan
Armstrong	Geddes	McCallen
Atherton	P. Green	McCully
Blair	Harding	McClure
Blakely	Harlan	McHatton
Bond	Harper	Manly
Brockman	Harvey	Markley
Caldwell	Hatch	F. S. D. Marshall
J. M. Campbell	Hawley	T. A. Marshall
Canaday	Hayes	Mieure
Carter	Henderson	Miller
F. S. Casey	Hill	Moffett
Z. Casey	Hoes	Moore
Churchill	Hogue	Morris
Constable	Hunsaker	Nichols'
Crain	Huston	Oliver
R. J. Cross	Jackson	Pace
Dale	James	H. D. Palmer
J. M. Davis	Jenkins	J. M. Palmer
T. G. C. Davis	Jones	Rives
Dawson	Kenner	Robbins
Deitz	N. M. Knapp	Robinson
Dunlap	Kreider	Rountree
Dunsmore	Lander	Scates
Eccles	Lasater	Shields



Mr. Shumway  
Sim  
Simpson  
E. O. Smith  
J. Smith  
Spencer  
Stadden

Mr. Thornton  
Trower  
Turnbull  
Turner  
Tutt  
Tuttle  
Vance

Mr. Vernor  
West  
Witt  
Whiteside  
Whitney  
Woodson  
Mr. President.

Mr. Hogue moved to amend the same section, by striking out the words "twelve hundred," in the first line, and to insert in lieu thereof the words "one thousand."

A division being called for, the question was taken, and the convention refused to order a division.

The question was taken, by yeas and nays, on the adoption of the amendment,

And decided in the negative,	{ Yeas,	:	:	:	:	50
	{ Nays,	:	:	:	:	86

Those voting in the affirmative, are,

Mr. Armstrong  
Atherton  
Blakely  
Bond  
Brockman  
J. M. Campbell  
Carter  
F. S. Casey  
Z. Casey  
Crain  
Dale  
J. M. Davis  
Eccles  
N. W. Edwards  
Frick  
Harlan  
Hoes

Mr. Hogue  
Hunsaker  
James  
Jenkins  
Jones  
Judd  
Kreider  
Lasater  
Laughlin  
Lemon  
McCully  
McHatton  
Manly  
Markley  
Mieure  
Moffett  
Morris

Mr. Nichols  
Oliver  
Pace  
H. D. Palmer  
Rives  
Rountree  
Scates  
Shields  
Shumway  
Sim  
Simpson  
J. Smith  
Trower  
Tutt  
Vernor  
Witt.

Those voting in the negative, are,

Mr. Adams  
Akin  
Allen  
Anderson  
Archer  
Ballingall  
Blair  
Bosbyshell  
Brown  
Caldwell  
T. Campbell  
Canady  
Choate  
Church  
Churchill  
Constable  
R. J. Cross  
D. Davis  
T. G. C. Davis  
Deitz

Mr. Dummer  
Dunlap  
Dunsmore  
C. Edwards  
Graham  
Geddes  
H. R. Green  
P. Green  
W. B. Green  
Gregg  
Grimshaw  
Harding  
Harper  
Hatch  
Hawley  
Hayes  
Heacock  
Henderson  
Hill  
Hurlbut

Mr. Huston  
Jackson  
S. Kinney  
A. R. Knapp  
N. M. Knapp  
Knowlton  
Knox  
Lander  
Linley  
Lockwood  
Logan  
McCallen  
McClure  
F. S. D. Marshall  
Mason  
Miller  
Minshall  
Moore  
J. M. Palmer  
Peters



Mr. Pinckney  
Powers  
Pratt  
Robbins  
Robinson  
Roman  
Servant  
Sharpe  
Sibley

Mr. Spencer  
Stadden  
Swan  
Thomas  
Thompson  
Thornton  
Turnbull  
Turner  
Tuttle

Mr. Vance  
Webber  
West  
Williams  
Whiteside  
Whitney  
Woodson  
Worcester  
Mr. President.

Mr. T. Campbell moved to amend the same section by striking out all after the words "and no more," in the third line.

The question was taken, by yeas and nays, on the adoption of the amendment,

And decided in the negative,	{ Yeas,	:	:	:	25
	{ Nays,	:	:	:	110

Those voting in the affirmative, are,

Mr. Akin  
Anderson  
Archer  
Armstrong  
Ballingall  
Blair  
Blakely  
Brockman  
Brown

Mr. T. Campbell  
Gregg  
Hatch  
Henderson  
Hill  
S. Kinney  
Lasater  
McClure

Mr. Markley  
F. S. D. Marshall  
Moffett  
Morris  
Pratt  
Scates  
Vernor  
Webber.

Those voting in the negative, are,

Mr. Adams  
Atherton  
Bond  
Bosbyshell  
Caldwell  
J. M. Campbell  
Canady  
Carter  
F. S. Casey  
Z. Casey  
Choate  
Church  
Churchill  
Constable  
Crain  
R. J. Cross  
D. Davis  
J. M. Davis  
T. G. C. Davis  
Dawson  
Deitz  
Dummer  
Dunlap  
Dunsmore  
Eccles  
C. Edwards  
N. W. Edwards  
Frick  
Graham  
Geddes  
P. Green

Mr. W. B. Green  
Grimshaw  
Harding  
Harlan  
Harper  
Harvey  
Hawley  
Hayes  
Heacock  
Hogg  
Hogue  
Hunsaker  
Hurlbut  
Huston  
Jackson  
James  
Jenkins  
Jones  
Judd  
Kenner  
A. R. Knapp  
N. M. Knapp  
Knowlton  
Knox  
Kreider  
Lander  
Laughlin  
Lemon  
Linley  
Lockwood  
McCallen

Mr. McCully  
McHatton  
Manly  
Mason  
Mieure  
Miller  
Minshall  
Moore  
Nichols  
Oliver  
Pace  
H. D. Palmer  
J. M. Palmer  
Pinckney  
Powers  
Rives  
Robbins  
Robinson  
Rountree  
Servant  
Sharpe  
Shields  
Shumway  
Sibley  
Sim  
Simpson  
Singleton  
E. O. Smith  
Spencer  
Stadden  
Swan



Mr. Thomas  
Thompson  
Thornton  
Trower  
Turnbull  
Turner

Mr. Tutt  
Tuttle  
Vance  
West  
Williams  
Witt

Mr. Whiteside  
Whitney  
Woodson  
Worcester  
Mr. President.

Mr. West moved to amend the same section by striking out the words "one thousand," in the second and third lines, and to insert in lieu thereof the words "twelve hundred."

On motion,

The previous question was ordered.

The question was taken, by yeas and nays, on the adoption of the amendment,

And decided in the negative,	{ Yeas,	:	:	:	:	35
	{ Nays,	:	:	:	:	101

Those voting in the affirmative, are,

Mr. Anderson  
Armstrong  
Ballingall  
Bosbyshell  
T. Campbell  
Choate  
Church  
Colby  
Dunlap  
W. B. Green  
Gregg  
Grimshaw

Mr. Hatch  
Heacock  
Hoes  
Hurlbut  
Judd  
Knowlton  
Lockwood  
Mason  
Minshall  
Moore  
Peters  
Pinckney

Mr. Powers  
Pratt  
Roman  
Servant  
Sharpe  
Sibley  
Swan  
Webber  
West  
Williams  
Mr. President.

Those voting in the negative, are,

Mr. Adams  
Akin  
Allen  
Archer  
Atherton  
Blair  
Blakely  
Bond  
Brockman  
Brown  
J. M. Campbell  
Canady  
Carter  
F. S. Casey  
Z. Casey  
Churchill  
Constable  
Crain  
R. J. Cross  
Dale  
D. Davis  
J. M. Davis  
Dawson  
Deitz  
Dummer

Mr. Dunsmore  
Eccles  
N. W. Edwards  
Frick  
Graham  
Geddes  
H. R. Green  
P. Green  
Harding  
Harlan  
Harper  
Harvey  
Hawley  
Hayes  
Henderson  
Hill  
Hogue  
Hunsaker  
Huston  
Jackson  
James  
Jenkins  
Jones  
Kenner  
A. R. Knapp

Mr. N. M. Knapp  
Knox  
Kreider  
Lander  
Lasater  
Lemon  
Linley  
Logan  
McCauley  
McCully  
McClure  
McHatton  
Manly  
Markley  
F. S. D. Marshall  
Mieure  
Miller  
Moffett  
Morris  
Nichols  
Oliver  
Pace  
H. D. Palmer  
J. M. Palmer  
Rives



Mr. Robbins  
Robinson  
Rountree  
Scates  
Shields  
Shumway  
Sim  
Simpson  
E. O. Smith

Mr. J. Smith  
Spencer  
Stadden  
Thomas  
Thornton  
Trower  
Turnbull  
Turner  
Tutt

Mr. Tuttle  
Vance  
Vernor  
Witt  
Whiteside  
Whitney  
Woodson  
Worcester.

The question was taken on the adoption of the 10th section, as amended, and decided in the affirmative.

On motion of Mr. Constable,

The last vote was reconsidered.

On motion of Mr. Armstrong,

The vote ordering the main question was reconsidered.

The question was taken on ordering the main question, and decided in the negative.

On motion of Mr. Lockwood,

The same section was amended by inserting the words "per annum," after the word "dollars," in the third line.

Mr. H. D. Palmer moved to amend the same section by striking out the words "one thousand," in the second and third lines, and to insert in lieu thereof, the words "eight hundred."

The question was taken, by yeas and nays, on the adoption of the amendment,

And decided in the negative,	{ Yeas,	:	:	:	:	:	36
	{ Nays,	:	:	:	:	:	103

Those voting in the affirmative, are,

Mr. Atherton  
Blakely  
Bond  
J. M. Campbell  
F. S. Casey  
Z. Casey  
Crain  
J. M. Davis  
Eccles  
Frick  
Harlan  
Hogue

Mr. Hunsaker  
James  
Jenkins  
Jones  
Judd  
Knox  
Lasater  
Lemon  
McHatton  
Markley  
Mieure  
Moffett

Mr. Morris  
Oliver  
H. D. Palmer  
Robbins  
Rountree  
Shields  
Shumway  
Sim  
Simpson  
Singleton  
Vernor  
Whiteside.

Those voting in the negative, are,

Mr. Adams  
Akin  
Allen  
Anderson  
Archer  
Armstrong  
Ballingall  
Blair  
Bosbyshell  
Brockman  
Brown  
Caldwell

Mr. T. Campbell  
Canady  
Carter  
Choate  
Church  
Colby  
Constable  
R. J. Cross  
Dale  
D. Davis  
T. G. C. Davis  
Dawson

Mr. Deitz  
Dummer  
Dunlap  
Dunsmore  
C. Edwards  
N. W. Edwards  
Graham  
Geddes  
H. R. Green  
P. Green  
W. B. Green  
Gregg



Mr. Grimshaw	Mr. Lockwood	Mr. Sharpe
Harding	Logan	Sibley
Harper	McCallen	J. Smith
Harvey	McClure	Spencer
Hatch	Manly	Stadden
Hawley	F. S. D. Marshall	Swan
Hayes	Mason	Thomas
Heacock	Miller	Thornton
Henderson	Minshall	Trower
Hill	Moore	Turnbull
Holmes	Nichols	Turner
Hurlbut	Pace	Tutt
Huston	J. M. Palmer	Tuttle
Jackson	Peters	Vance
Kenner	Pinckney	Webber
S. Kinney	Powers	West
A. R. Knapp	Pratt	Williams
N. M. Knapp	Rives	Witt
Knowlton	Robinson	Whitney
Kreider	Roman	Woodson
Lander	Scates	Worcester
Laughlin	Servant	Mr. President.
Linley		

Mr. Singleton moved to amend the same section by inserting after the word "not," in the fourth line, the words "be twice in succession elected to, nor."

On motion,

The previous question was ordered.

The question was taken, by yeas and nays, on the adoption of the amendment,

And decided in the negative,	{ Yeas,	:	:	:	:	33
	{ Nays,	:	:	:	:	102

Those voting in the affirmative, are,

Mr. Constable	Mr. Hayes	Mr. Mieure
Crain	Hunsaker	Miller
D. Davis	James	Peters
J. M. Davis	Jenkins	Scates
Dunlap	Judd	Sim
N. W. Edwards	Kenner	Singleton
Farwell	S. Kinney	J. Smith
H. R. Green	Kreider	Williams
W. B. Green	Lockwood	Witt
Gregg	Loudon	Whiteside
Harlan	McCallen	Woodson.

Those voting in the negative, are,

Mr. Adams	Mr. Brown	Mr. Churchill
Akin	Caldwell	Colby
Allen	J. M. Campbell	R. J. Cross
Anderson	T. Campbell	Dale
Archer	Canady	Dawson
Armstrong	Carter	Deitz
Atherton	F. S. Casey	Dummer
Ballingall	Z. Casey	Dunsmore
Bond	Choate	Eccles
Brockman	Church	C. Edwards



Mr. Evey	Mr. Laughlin	Mr. Rountree
Frick	Lemon	Servant
Graham	Linley	Sharpe
Geddes	Logan	Shields
P. Green	McCully	Shumway
Grimshaw	McClure	Sibley
Harding	McHatton	Simpson
Harper	Markley	E. Q. Smith
Harvey	F. S. D. Marshall	Spencer
Hatch	Mason	Stadden
Hawley	Minshall	Swan
Heacock	Moffett	Thomas
Henderson	Moore	Thornton
Hill	Morris	Trower
Hogue	Oliver	Turnbull
Holmes	Pace	Turner
Hurlbut	H. D. Palmer	Tutt
Huston	J. M. Palmer	Tuttle
Jones	Pinckney	Vance
A. R. Knapp	Pratt	Vernor
N. M. Knapp	Rives	Webber
Knowlton	Robbins	West
Knox	Robinson	Worcester
Lander	Roman	Mr. President.
Lasater		

The question was taken on the adoption of the section as amended, and decided in the affirmative.

On motion of Mr. Hurlbut,

The 11th section was amended by striking out the word "pending," in the second line, and by inserting in lieu thereof the word "preceding."

On motion of Mr. J. M. Campbell,

The same section was amended by striking out the word "two," in the second line, and by inserting in lieu thereof, the word "five."

On motion of Mr. Kenner,

The same section was amended by striking out the words "at the time of his election reside," in the third line, and by inserting in lieu thereof, the words "for two years next preceding his election, have resided."

Mr. Markley moved to amend the same section by striking out the word "five," in the fifth line.

The question was taken, and the amendment rejected.

Mr. Armstrong moved to amend the same section by inserting after the words "thirty-five" the words "and have not paid a state or county tax."

On motion of Mr. R. J. Cross,

The previous question was ordered.

The question was taken, by yeas and nays, on the adoption of the amendment,

And decided in the negative,	{ Yeas, . . . . 47
	{ Nays, . . . . 86

Those voting in the affirmative, are,

Mr. Archer	Mr. Bosbyshell	Mr. Choate
Armstrong	Brockman	Churchill
Ballingall	Brown	Crain
Blair	Canady	Dunlap
Blakely	F. S. Casey	Eccles
Bond	Z. Casey	Evey



Mr. Frick  
H. R. Green  
P. Green  
Harvey  
Hatch  
Hawley  
Heacock  
Henderson  
Hogue  
Hunsaker

Mr. James  
Judd  
Kenner  
Kreider  
Lander  
Lemon  
Linley  
Miller  
Moore  
Pace

Mr. Rives  
Rountree  
Shields  
Shumway  
Simpson  
Singleton  
J. Smith  
Stadden  
Wead.

Those voting in the negative, are,

Mr. Akin  
Allen  
Anderson  
Atherton  
J. M. Campbell  
T. Campbell  
Carter  
Church  
Constable  
R. J. Cross  
Dale  
D. Davis  
J. M. Davis  
Dawson  
Deitz  
Dummer  
Dunsinore  
C. Edwards  
N. W. Edwards  
Graham  
Geldes  
W. B. Green  
Gregg  
Grimshaw  
Harding  
Harlan  
Harper  
Hayes  
Hill

Mr. Hurlbut  
Huston  
Jenkins  
Jones  
S. Kinney  
A. R. Knapp  
N. M. Knapp  
Knowlton  
Knox  
Lasater  
Laughlin  
Lockwood  
Logan  
Loudon  
McCallen  
McCully  
McClure  
McHatton  
Markley  
F. S. D. Marshall  
Mason  
Mieure  
Minshall  
Moffett  
Morris  
Nichols  
Oliver  
H. D. Palmer  
J. M. Palmer

Mr. Peters  
Pratt  
Robbins  
Robinson  
Scates  
Servant  
Sibley  
Sim  
E. O. Smith  
Spencer  
Swan  
Thomas  
Thornton  
Trower  
Turnbull  
Turner  
Tutt  
Tuttle  
Vance  
Vernor  
Webber  
Williams  
Witt  
Whiteside  
Whitney  
Woodson  
Worcester  
Mr. President.

The question was taken on the adoption of the 11th section as amended, and decided in the affirmative.

Mr. Logan moved to amend the report by adopting the following additional sections:

SECTION —. County judges, clerks, sheriffs, and other county officers for wilful neglect of duty or misdemeanor in office, shall be liable to presentment or indictment by a grand jury and trial by a petit jury, and upon conviction shall be removed from office.

SEC. —. The election of all officers and the filling of all vacancies that may happen by death, resignation or removal, not otherwise directed or provided for by this constitution, shall be made in such manner as the legislature shall direct; *Provided*, that no such officers shall be elected by the legislature.

SEC. —. The first election for justices of the supreme court and judges of the circuit courts shall be held on the first Monday of after the adoption of this article.



SEC. —. The second election for one justice of the supreme court shall be held on the first Monday of March, 1852, and every three years thereafter an election shall be held for one justice of the supreme court.

SEC. —. On the first Monday of March, 1855, and every sixth year thereafter, an election shall be held for judges of the circuit courts; *Provided*, whenever an additional circuit is made, such provision may be made as to hold the second election of such additional judge at the regular election herein provided."

Mr. Wead moved the following as a substitute for the first section of the proposed amendment:

"SEC. —. The legislature shall provide by law for what cause and in what manner the judges of the county courts of this state, the clerks of courts, justices of the peace, and prosecuting attorneys, and all other officers, may be removed from office."

The question was taken and the substitute rejected.

On motion of Mr. Lockwood,

The fourth and fifth sections of the amendment were amended by striking out the word "March," and inserting the word "June" in lieu of it.

Mr. Scates moved to fill the blank in the third section of the amendment with the word and figures "October, 1848."

Mr. D. Davis moved "August, 1848."

The question was taken on the motion of Mr. Scates, and decided in the negative.

The question was taken on inserting "August, 1848," and decided in the affirmative.

The question was taken on the adoption of the blank sections as amended, and decided in the affirmative.

On motion of Mr. Lockwood,

The twelfth section was stricken out, and the following inserted in lieu thereof:

"For any reasonable cause, to be entered on the journals of each house, which shall not be sufficient ground for impeachment, both justices of the supreme court and judges of the circuit court shall be removed from office on the vote of two thirds of the members elected to each branch of the general assembly; *Provided, always*, that no member of either house of the general assembly shall be eligible to fill the vacancy occasioned by such removal; *Provided, also*, that no removal shall be made, unless the justice or judge complained of shall have been served with a copy of the complaint against him, and shall have an opportunity of being heard in his defence."

Mr. T. Campbell moved to amend the same section as amended by adding the following:

"There shall be elected in each county in this state, by the qualified electors thereof, a sheriff, who shall hold his office for the term of two years and until his successor shall be elected and qualified; *Provided*, no person shall be eligible to the office more than once in four years."

Mr. Wead moved to amend the amendment by striking out the word "two" and inserting the word "four."

The question was taken, and the amendment to the amendment rejected.

Mr. Akin moved to amend the amendment by adding the following proviso:



"*Provided*, that this convention hereby declare that the people of this state are not competent to choose their own officers."

Mr. Bond moved to lay the proviso on the table.

On motion of Mr. Pratt,

The main question was ordered.

The question was taken and the proviso rejected.

On motion,

The convention adjourned until three o'clock, P. M.

### THREE O'CLOCK, P. M.

Convention assembled pursuant to adjournment.

On motion of Mr. Witt,

A call of the convention was ordered.

The call was proceeded in for some time, when it appeared that Messrs. Bunsen, Butler, Canaday, S. J. Cross, Dement, Edmonson, H. R. Green, Grimshaw, Heacock, Hoes, Knowlton, Matheny, and Webber were absent—13.

Mr. N. M. Knapp moved to dispense with further proceedings under the call.

The question was taken, and the convention refused to dispense with further proceedings under the call.

After some further time spent in the call,

On motion of Mr. Lemon,

Further proceedings under the call were dispensed with.

The convention resumed the consideration of the report of the select committee of twenty-seven on the judiciary department.

The question pending when the convention adjourned this morning, was on the amendment offered by T. Campbell to the twelfth section as amended.

Mr. West moved to amend the amendment by inserting the words "four years in any term of six years."

The question was taken, by yeas and nays, on the adoption of the amendment to the amendment,

And decided in the negative,	{ Yeas,	:	:	:	:	47
	{ Nays,	:	:	:	:	93

Those voting in the affirmative, are,

Mr. Anderson  
Armstrong  
Bosbyshell  
Brockman  
R. J. Cross  
D. Davis  
Deitz  
Dummer  
Dunlap  
C. Edwards

Mr. Harper  
Hawley  
Hay  
Hayes  
Huston  
Jackson  
James  
Kenner  
S. Kinney  
A. R. Knapp

Mr. Knox  
Kreider  
Laughlin  
McCallen  
McCully  
McClure  
McHatten  
Manly  
Markley  
F. S. D. Marshall



Mr. Mason  
Mieure  
Nichols  
J. M. Palmer  
Roman  
Servant

Mr. Shields  
Simpson  
Stadden  
Swan  
Thompson  
Turner

Mr. Vance  
Vernor  
West  
Whiteside  
Worcester.

Those voting in the negative, are,

Mr. Adams  
Akin  
Allen  
Archer  
Ballingall  
Blair  
Bond  
Brown  
Caldwell  
J. M. Campbell  
T. Campbell  
Carter  
F. S. Casey  
Z. Casey  
Choate  
Church  
Colby  
Constable  
Crain  
J. M. Davis  
Dawson  
Dunn  
Dunsmore  
Eccles  
N. W. Edwards  
Evey  
Farwell  
Frick  
Graham  
Geddes  
H. R. Green

Mr. P. Green  
W. B. Green  
Gregg  
Grimshaw  
Harding  
Harlan  
Harvey  
Hatch  
Henderson  
Hill  
Hogue  
Holmes  
Hunsaker  
Hurlbut  
Jones  
Judd  
N. M. Knapp  
Knowlton  
Knox  
Lander  
Lasater  
Lemon  
Linley  
Lockwood  
Logan  
Loudon  
T. A. Marshall  
Miller  
Minshall  
Moffett  
Moore

Mr. Morris  
Oliver  
Pace  
H. D. Palmer  
Peters  
Pinckney  
Powers  
Pratt  
Rives  
Robbins  
Robinson  
Scates  
Shumway  
Sibley  
Sim  
Singleton  
E. O. Smith  
J. Smith  
Spencer  
Thomas  
Thornton  
Trower  
Tutt  
Tuttle  
Wead  
Webber  
Williams  
Witt  
Whitney  
Woodson  
Mr. President.

The question was taken, by yeas and nays, on the adoption of the amendment, proposed by Mr. T. Campbell,

And decided in the affirmative, { Yeas, . . . . 101  
Nays, . . . . 46

Those voting in the affirmative, are,

Mr. Adams  
Anderson  
Archer  
Armstrong  
Atherton  
Ballingall  
Blair  
Blakely  
Bond  
Bosbyshell  
Brown  
Caldwell  
J. M. Campbell  
T. Campbell

Mr. Carter  
F. S. Casey  
Z. Casey  
Choate  
Church  
Churchill  
Colby  
Constable  
Crain  
R. J. Cross  
J. M. Davis  
Dawson  
Deitz  
Dummer

Mr. Dunlap  
Dunn  
Dunsmore  
C. Edwards  
N. W. Edwards  
Farwell  
Frick  
Graham  
Geddes  
H. R. Green  
W. B. Green  
Gregg  
Grimshaw  
Harlan



Mr. Harvey	Mr. Markley	Mr. Sibley
Hawley	F. S. D. Marshall	Simpson
Hayes	T. A. Marshall	Singleton
Heacock	Miller	E. O. Smith
Henderson	Minshall	Spencer
Hill	Moffett	Stadden
Hoes	Moore	Thomas
Holmes	Morris	Thompson
Hunsaker	Nichols	Thornton
Hurlbut	H. D. Palmer	Trower
Huston	Peters	Tutt
James	Pinckney	Vance
N. M. Knapp	Pratt	Webber
Knox	Rives	Williams
Kreider	Robbins	Witt
Lander	Robinson	Whitney
Lockwood	Rountree	Woodson
Logan	Scates	Worcester
Loudon	Sharpe	Mr. President.
McHatton	Shields	

Those voting in the negative, are,

Mr. Akin	Mr. S. Kinney	Mr. J. M. Palmer
Allen	A. R. Knapp	Powers
Brockman	Knowlton	Roman
Dale	Lasater	Servant
D. Davis	Laughlin	Shunway
Eccles	Lemon	Sim
Evey	Linley	J. Smith
P. Green	McCallen	Swan
Harding	McCully	Turnbull
Harper	McClure	Turner
Hatch	Manly	Tuttle
Hay	Mason	Vernor
Hogue	Mieure	Wead
Jones	Oliver	West
Judd	Pace	Whiteside.
Kenner		

Mr. Scates proposed the following as an additional section:

"SEC. —. The clerks of the supreme and circuit courts and state's attorneys shall be elected at the first special election for judges. The second election for clerks of the supreme court shall be held on the first Monday of June, 1855, and every sixth year thereafter. The second election for clerks of the circuit courts and state's attorneys shall be held on the Tuesday next after the first Monday of November, 1852, and every fourth year thereafter."

The question was taken, and decided in the affirmative.

Mr. Wead offered the following as an additional section:

"SEC. —. The legislature shall provide by law for what cause and in what manner the judges of the county courts of this state, the clerks of courts, justices of the peace, and prosecuting attorneys, and other county officers may be removed from office."

Mr. Eccles offered the following as a substitute:

"There shall be elected at the general election in each county in this state by the qualified electors, a coroner and surveyor. Also in each justice's district a competent number of constables, who shall hold their



offices for the term of four years and until their successors are elected and qualified, whose duties shall be prescribed by law."

The question was taken, and the substitute rejected.

The question was taken, and the additional section rejected.

The question was taken on the adoption of the 12th section, as amended, and decided in the affirmative.

On motion of Mr. Thomas,

The report, as amended, was referred to the committee on the Revision and Adjustment of the Articles of the Constitution.

Mr. Wead, from the select committee raised on the petition of John P. Boice and others of Fulton county, praying that no banks may be created in this state, &c. reported the following as suitable to be engrafted into the new constitution:

## ARTICLE. —

### BANKS.

**SECTION 1.** The legislature shall pass no law creating any bank or banks, or authorizing the issue of bank paper, and shall prohibit by adequate penalties the circulation of all bank paper in this state.

**SEC. 2.** The legislature may provide by law that at the expiration of ten years from the adoption of this constitution, the qualified electors of the state may vote for and against banks; if a majority of the votes so cast shall be "for banks," then this article shall be abolished; if otherwise then this article shall be in force ten years more, when the same question may be again submitted in the same manner, and with the same effect.

**SEC. 3.** This article shall be separately submitted to the qualified electors of this state for adoption or rejection at the same election, and in the same manner with the amended constitution. If this amendment shall receive a majority of all the votes cast for and against it at such election then the same shall become a part of the constitution of this state, and supersede all other provisions upon the same subject.

Mr. Manly called for a division so as to vote on each section separately.

The question was taken, and the convention refused to order a division.

On motion of Mr. J. M. Campbell,

The previous question was ordered.

Mr. Logan moved to reconsider the last vote taken.

The question was taken, and the convention refused to reconsider.

The question was taken, by yeas and nays, on the adoption of the article,

And decided in the negative,	{ Yeas, : : : : 68
	{ Nays, : : : : 69

Those voting in the affirmative, are,

Mr. Akin  
Allen  
Archer  
Armstrong  
Ballingall  
Blair

Mr. Bosbyshell  
Brockman  
Brown  
Caldwell  
J. M. Campbell  
T. Campbell

Mr. Carter  
F. S. Casey  
Z. Casey  
Churchill  
Colby  
Constable



Mr. Crain	Mr. McClure	Mr. Rountree
R. J. Cross	McHatton	Scates
Dale	Manly	Shields
Dunn	Markley	Sim
Frick	Moffett	Simpson
Henderson	Moore	J. Smith
Hill	Morris	Stadden
Hogue	Nichols	Thompson
Hunsaker	Oliver	Trower
Huston	Pace	Tutt
James	J. M. Palmer	Vernor
Jones	Peters	Wead
Kreider	Pinckney	Webber
Lasater	Powers	Williams
Laughlin	Pratt	Whiteside
Linley	Robinson	Mr. President.
McCully	Roman	

Those voting in the negative, are,

Mr. Adams	Mr. Harvey	Mr. Mieux
Anderson	Hatch	Miller
Atherton	Hawley	Minshall
Choate	Hay	H. D. Palmer
Church	Holmes	Rives
J. M. Davis	Hurlbut	Robbins
Dawson	Jackson	Servant
Deitz	Judd	Sharpe
Dummer	Kenner	Shumway
Dunlap	S. Kinney	Sibley
Dunsmore	A. R. Knapp	E. O. Smith
Eccles	N. M. Knapp	Spencer
C. Edwards	Knowlton	Swan
N. W. Edwards	Knox	Thomas
Graham	Lander	Thornton
Geddes	Lemon	Turner
H. R. Green	Lockwood	Tuttle
P. Green	Logan	Vance
W. B. Green	Loudon	West
Gregg	McCallen	Witt
Grimshaw	F. S. D. Marshall	Whitney
Harding	T. A. Marshall	Woodson
Harlan	Mason	Worcester.
Harper		

On motion of Mr. Servant,

The report of the committee on Commons was taken from the table for consideration.

The question was taken on the adoption of the article reported by that committee, and decided in the affirmative.

On motion of Mr. Servant,

The article was referred to the committee on the Revision and Adjustment of the Articles of the Constitution.

On motion of Mr. Armstrong,

The report of the committee on Revenue, as amended in committee of the whole, was taken from the table.

Mr. Hayes asked for leave to record his vote on the article reported this afternoon by Mr. Wead.

The question was taken, and the convention refused him leave.

Mr. Caldwell moved that the consideration of the report of the committee on Revenue be postponed for the present.



The question was taken and decided in the negative.

On motion,

The previous question was ordered.

The question was taken, by yeas and nays, on concurring with the committee of the whole in striking out the word "shall," in the first line of the first section, and inserting in lieu thereof the word "may,"

And decided in the affirmative,	{ Yeas,	:	:	:	:	90
	{ Nays,	:	:	:	:	42

Those voting in the affirmative, are,

Mr. Adams	Mr. Harvey	Mr. Miller
Akin	Hatch	Minshall
Allen	Hawley	Moffett
Anderson	Hay	Moore
Archer	Hayes	Morris
Armstrong	Heacock	Nichols
Atherton	Henderson	Oliver
Ballingall	Hill	Pace
Blair	Hoes	J. M. Palmer
Blakely	Hogue	Pinckney
Bosbyshell	Hunsaker	Powers
Brockman	Hurlbut	Pratt
Caldwell	Huston	Robbins
J. M. Campbell	Jackson	Roman
T. Campbell	James	Scates
Carter	Jones	Sharpe
F. S. Casey	Kenner	Shumway
Zadok Casey	N. M. Knapp	Simpson
Choate	Knox	E. O. Smith
Church	Kreider	Stadden
Churchill	Lasater	Swan
Colby	Laughlin	Thornton
R. J. Cross	Lemon	Trower
Dale	Loudon	Tutt
T. G. C. Davis	McCallen	Tuttle
Deitz	McCully	Vernor
Dunn	McClure	Wead
Dunsmore	McHatten	Webber
Evey	Manly	West
Frick	Markley	Whiteside
Gregg	T. A. Marshall	Whitney
Harlan	Mieure	Mr. President.

Those voting in the negative, are,

Mr. Brown	Mr. Harding	Mr. Rives
Canaday	Harper	Rountree
D. Davis	Holmes	Servant
Dawson	Judd	Shields
Dummer	S. Kinney	Sibley
Dunlap	A. R. Knapp	Sim
Eccles	Knowiton	Spencer
C. Edwards	Lander	Thomas
N. W. Edwards	Lockwood	Turner
Graham	Logan	Vance
Geddes	Mason	Williams
H. R. Green	Northcott	Witt
P. Green	H. D. Palmer	Woodson
Grimshaw	Peters	Worcester.



The question was taken, by yeas and nays, on concurring with the committee of the whole in the insertion of the words "who are entitled to the right of suffrage," in the second and third lines of the same section,

And decided in the affirmative,	{ Yeas,	: : : : : *	84
	{ Nays,	: : : : : *	52

Those voting in the affirmative, are,

Akin	Mr. N. W. Edwards	Mr. Manly
Allen	Evey	Markley
Anderson	Frick	Mieure
Archer	Graham	Moore
Armstrong	P. Green	Morris
Ballingall	Gregg	Nichols
Blair	Hatch	Northcott
Blakely	Hawley	Pace
Bosbyshell	Hay	J. M. Palmer
Brockman	Hayes	Powers
Brown	Henderson	Pratt
Caldwell	Hill	Robbins
J. M. Campbell	Hoes	Roman
T. Campbell	Hogue	Rountree
Carter	Hunsaker	Scates
F. S. Casey	Huston	Sharpe
Z. Casey	James	Shields
Choate	Jones	Shumway
Churchill	Kenner	Simpson
Colby	A. R. Knapp	Stadden
Constable	Kreider	Swan
Crain	Lasater	Turner
R. J. Cross	Laughlin	Tutt
Dale	Loudon	Vernor
Dunlap	McCallen	Wead
Dunn	McCully	Whiteside
Dunsmore	McClure	Whitney
Eccles	McHatton	Mr. President.

Those voting in the negative, are,

Adams	Mr. S. Kinney	Mr. Pinckney
Canaday	N. M. Knapp	Rives
Church	Knowlton	Robinson
D. Davis	Knox	Servant
J. M. Davis	Lander	Sibley
Dawson	Lemon	Sin
Deitz	Lockwood	E. O. Smith
Dummer	Logan	Spencer
C. Edwards	F. S. D. Marshall	Thomas
Geddes	T. A. Marshall	Thornton
H. R. Green	Mason	Trower
Grimshaw	Miller	Tuttle
Harding	Minshall	Vance
Harlan	Moffett	West
Harper	Oliver	Witt
Holmes	H. D. Palmer	Woodson
Hurlbut	Peters	Worcester.
Judd		

The question was taken on concurring with the committee of the whole in striking out all after the word "each," in the fourth line, and inserting



in lieu thereof the words "when the legislature may deem it necessary," and decided in the affirmative.

The question was taken, by yeas and nays, on the adoption of the first section as amended,

And decided in the affirmative,	{ Yeas,	:	:	:	:	79
	{ Nays,	:	:	:	:	51

Those voting in the affirmative, are,

Mr. Adams	Mr. Grimshaw	Mr. Moore
Anderson	Harding	Nichols
Archer	Harper	Northcott
Armstrong	Hatch	Oliver
Atherton	Hawley	H. D. Palmer
Bosbyshell	Hay	J. M. Palmer
Brockman	Hayes	Peters
Brown	Heacock	Pinckney
J. M. Campbell	Hogue	Powers
T. Campbell	Hunsaker	Roman
Canady	Hurlbut	Rountree
F. S. Casey	Huston	Sim
Choate	N. M. Knapp	Simpson
Church	Knox	E. O. Smith
Crain	Lander	Spencer
Dale	Laughlin	Swan
D. Davis	Lockwood	Trower
J. M. Davis	Logan	Turner
Deitz	McCallen	Tutt
Dummer	McHatton	Tuttle
Dunlap	Manly	Vernor
Dunsmore	F. S. D. Marshall	Wead
Eccles	T. A. Marshall	Witt
N. W. Edwards	Mason	Woodson
Frick	Mieure	Worcester
Graham	Minshall	Mr. President.
P. Green		

Those voting in the negative, are,

Mr. Akin	Mr. Harvey	Mr. Moffett
Allen	Henderson	Morris
Ballingall	Hill	Pace
Blair	Holmes	Pratt
Caldwell	James	Rives
Carter	Jones	Robbins
Z. Casey	Judd	Robinson
Churchill	Kenner	Scates
Colby	S. Kinney	Servant
Coristable	A. R. Knapp	Sharpe
R. J. Cross	Knowlton	Shields
Dawson	Kreider	Shumway
Dunn	Lasater	Sibley
C. Edwards	Lemon	Thomas
Evey	McCully	Thornton
Geddes	McClure	Vance
H. R. Green	Markley	Whiteside
Gregg	Miller	Whitney.

On motion,

The convention adjourned.



THURSDAY, AUGUST 19, 1847.



The convention met pursuant to adjournment.

Prayer by the Rev. Mr. Bergen.

The journal of yesterday was read.

Mr. Gregg, from the committee appointed to divide the state in senatorial and representative districts, made the following report:

SECTION 1. Until there shall be a new apportionment of senators and representatives, the state shall be divided into senatorial and representative districts, and the senators and representatives shall be apportioned among the several districts, as follows, viz:

1. The counties of Alexander, Union, Pulaski, Johnson, Massac, Pope, and Hardin shall constitute the first senatorial district, and shall be entitled to one senator.

2. The counties of Gallatin, Saline, Williamson, Franklin, and White shall constitute the second senatorial district, and be entitled to one senator.

3. The counties of Jefferson, Marion, Wayne, and Hamilton shall constitute the third senatorial district, and be entitled to one senator.

4. The counties of Washington, Perry, Randolph, and Jackson shall constitute the fourth senatorial district, and be entitled to one senator.

5. The counties of Saint Clair and Monroe shall constitute the fifth senatorial district, and be entitled to one senator.

6. The counties of Madison and Clinton shall constitute the sixth senatorial district, and be entitled to one senator.

7. The counties of Christian, Shelby, Montgomery, Bond, and Fayette shall constitute the seventh senatorial district, and be entitled to one senator.

8. The counties of Effingham, Jasper, Clay, Richland, Lawrence, Edwards, and Wabash shall constitute the eighth senatorial district, and be entitled to one senator.

9. The counties of Edgar, Clark, and Crawford shall constitute the ninth senatorial district, and be entitled to one senator.

10. The counties of Vermilion, Champaign, Piatt, Moultrie, Coles, and Cumberland shall constitute the tenth senatorial district, and be entitled to one senator.

11. The counties of Tazewell, McLean, Logan, De Witt, and Macon shall constitute the eleventh senatorial district, and be entitled to one senator.

12. The counties of Sangamon, Menard, and Mason shall constitute the twelfth senatorial district, and be entitled to one senator.

13. The counties of Macoupin, Jersey, Greene, and Calhoun shall constitute the thirteenth senatorial district, and be entitled to one senator.

14. The counties of Morgan, Scott, and Cass shall constitute the fourteenth senatorial district, and be entitled to one senator.

15. The counties of Adams and Pike shall constitute the fifteenth senatorial district, and be entitled to one senator.

16. The counties of McDonough, Schuyler, Brown, and Highland shall constitute the sixteenth senatorial district, and be entitled to one senator.



17. The counties of Hancock and Henderson shall constitute the seventeenth senatorial district, and be entitled to one senator.

18. The counties of Fulton and Peoria shall constitute the eighteenth senatorial district, and be entitled to one senator.

19. The counties of Rock Island, Henry, Mercer, Warren, Knox, and Stark shall constitute the nineteenth senatorial district, and be entitled to one senator.

20. The counties of La Salle, Bureau, Putnam, Marshall, Woodford, Livingston, and Grundy shall constitute the twentieth senatorial district, and be entitled to one senator.

21. The counties of Du Page, Kendall, Will, and Iroquois shall constitute the twenty-first senatorial district, and be entitled to one senator.

22. The counties of Ogle, Lee, De Kalb, and Kane shall constitute the twenty-second senatorial district, and be entitled to one senator.

23. The counties of Jo Daviess, Stephenson, Carroll, and Whiteside shall constitute the twenty-third senatorial district, and be entitled to one senator.

24. The counties of McHenry, Boone, and Winnebago shall constitute the twenty-fourth senatorial district, and be entitled to one senator.

25. The counties of Cook and Lake shall constitute the twenty-fifth senatorial district, and be entitled to one senator.

1. The counties of Union, Alexander, and Pulaski shall constitute the first representative district, and be entitled to one representative.

2. The counties of Massac, Pope, and Hardin shall constitute the second representative district, and be entitled to one representative.

3. The counties of Gallatin and Saline shall constitute the third representative district, and be entitled to one representative.

4. The counties of Johnson and Williamson shall constitute the fourth representative district, and be entitled to one representative.

5. The counties of Jackson and Franklin shall constitute the fifth representative district, and be entitled to one representative.

6. The counties of Marion, Jefferson, Wayne, and Hamilton shall constitute the sixth representative district, and be entitled to three representatives; *Provided*, that no county in said district shall have more than one of said representatives, and the county from which a senator shall be selected, shall not be entitled to a representative residing in said county.

7. The county of White shall constitute the seventh representative district, and be entitled to one representative.

8. The counties of Wabash and Edwards shall constitute the eighth representative district, and be entitled to one representative.

9. The counties of Lawrence and Richland shall constitute the ninth representative district, and be entitled to one representative district..

10. The counties of Crawford and Jasper shall constitute the tenth representative district, and be entitled to one representative.

11. The county of Coles shall constitute the eleventh representative district, and be entitled to one representative.

12. The county of Clark shall constitute the twelfth representative district, and be entitled to one representative.



13. The counties of Cumberland, Effingham, and Clay shall constitute the thirteenth representative district, and be entitled to one representative.

14. The county of Fayette shall constitute the fourteenth representative district, and be entitled to one representative.

15. The counties of Montgomery, Bond and Clinton shall constitute the fifteenth representative district, and be entitled to two representatives.

16. The counties of Washington and Perry shall constitute the sixteenth representative district, and be entitled to one representative.

17. The county of Randolph shall constitute the seventeenth representative district, and be entitled to one representative.

18. The county of Monroe shall constitute the eighteenth representative district, and be entitled to one representative.

19. The county of St. Clair shall constitute the nineteenth representative district, and be entitled to two representatives.

20. The county of Madison shall constitute the twentieth representative district, and be entitled to two representatives.

21. The county of Macoupin shall constitute the twenty-first representative district, and be entitled to one representative.

22. The county of Jersey shall constitute the twenty-second representative district, and be entitled to one representative.

23. The county of Greene shall constitute the twenty-third representative district, and be entitled to one representative.

24. The county of Scott shall constitute the twenty-fourth representative district, and be entitled to one representative.

25. The county of Morgan shall constitute the twenty-fifth representative district, and be entitled to two representatives.

26. The counties of Cass and Menard shall constitute the twenty-sixth representative district, and be entitled to one representative.

27. The county of Sangamon shall constitute the twenty-seventh representative district, and be entitled to two representatives.

28. The counties of Mason and Logan shall constitute the twenty-eighth representative district, and be entitled to one representative.

29. The county of Tazewell shall constitute the twenty-ninth representative district, and be entitled to one representative.

30. The counties of McLean and De Witt shall constitute the thirtieth representative district, and be entitled to one representative.

31. The county of Vermilion shall constitute the thirty-first representative district, and be entitled to one representative.

32. The county of Edgar shall constitute the thirty-second representative district, and be entitled to one representative.

33. The counties of Champaign, Piatt, Moultrie and Macon shall constitute the thirty-third representative district, and be entitled to one representative.

34. The counties of Shelby and Christian shall constitute the thirty-fourth representative district, and be entitled to one representative.

35. The counties of Pike and Calhoun shall constitute the thirty-fifth representative district and be entitled to two representatives.

36. The counties of Adams, Highland and Brown shall constitute the thirty-sixth representative district, and be entitled to three representatives.



37. The county of Schuyler shall constitute the thirty-seventh representative district, and be entitled to one representative.

38. The county of Hancock shall constitute the thirty-eighth representative district, and be entitled to two representatives.

39. The county of McDonough shall constitute the thirty-ninth representative district, and be entitled to one representative.

40. The county of Fulton shall constitute the fortieth representative district, and be entitled to two representatives.

41. The county of Peoria shall constitute the forty-first representative district, and be entitled to one representative.

42. The county of Knox shall constitute the forty-second representative district, and be entitled to one representative.

43. The counties of Mercer, Warren and Henderson shall constitute the forty-third representative district, and be entitled to two representatives.

44. The counties of Rock Island, Henry and Stark shall constitute the forty-fourth representative district, and be entitled to one representative.

45. The counties of Whiteside and Lee shall constitute the forty-fifth representative district, and be entitled to one representative.

46. The counties of Carroll and Ogle shall constitute the forty-sixth representative district, and be entitled to one representative.

47. The counties of Jo Daviess and Stephenson shall constitute the forty-seventh representative district, and be entitled to two representatives.

48. The county of Winnebago shall constitute the forty-eighth representative district, and be entitled to one representative.

49. The counties of Putnam, Marshall and Woodford shall constitute the forty-ninth representative district, and be entitled to one representative.

50. The counties of La Salle, Grundy, Livingston and Bureau shall constitute the fiftieth representative district, and be entitled to two representatives.

51. The counties of Du Page, Kendall, Will and Iroquois shall constitute the fifty first representative district, and be entitled to three representatives.

52. The counties of Kane and De Kalb shall constitute the fifty-second representative district, and be entitled to two representatives.

53. The counties of Boone and McHenry shall constitute the fifty-third representative district, and be entitled to two representatives.

54. The county of Lake shall constitute the fifty-fourth representative district, and be entitled to one representative.

55. The county of Cook shall constitute the fifty-fifth representative district, and be entitled to two representatives.

SEC. 2. Until the general assembly shall otherwise provide, the clerk of the county commissioners' courts in each of the aforesaid senatorial districts, and in such of the said representative districts as may be composed of more than one county, shall meet at the county seat of the oldest county in said district, within thirty days next after any election for senator or representative therein, for the purpose of comparing and canvassing the vote given at such election, and the said clerks shall in all other respects con



form to the laws on the subject, in force at the time of the adoption of this constitution.

Mr. Knowlton moved to lay the report on the table, and order the printing of 250 copies for the use of the convention.

The question was taken, and decided in the negative.

Mr. T. G. C. Davis moved a reconsideration of the vote last taken.

The question was taken, and decided in the negative.

Mr. C. Edwards moved the printing of 200 copies of the report.

On motion of Mr. Z. Casey,

The report was laid on the table.

The question was taken on printing 200 copies, and decided in the affirmative.

Mr. Logan from the select committee of nine appointed to divide the state into three grand divisions, made the following report:

SEC. —. The first grand division for the election of judges of the supreme court, shall consist of the counties of Alexander, Pulaski, Massac, Pope, Hardin, Gallatin, Saline, Williamson, Johnson, Union, Jackson, Randolph, Perry, Franklin, Hamilton, White, Wabash, Edwards, Wayne, Jefferson, Washington, Monroe, Saint Clair, Clinton, Marion, Clay, Richland, Lawrence, Crawford, Jasper, Effingham, Fayette, Bond, Madison, Jersey, Calhoun, Cumberland and Clark.

The second grand division shall consist of the counties of Edgar, Coles, Moultrie, Shelby, Montgomery, Macoupin, Green, Pike, Adams, Highland, Hancock, McDonough, Schuyler, Brown, Fulton, Mason, Cass, Morgan, Scott, Sangamon, Christian, Macon, Piatt, Champaign, Vermilion, De Witt, Logan and Menard.

The third grand division shall consist of the counties of Henderson, Warren, Knox, Peoria, Tazewell, Woodford, McLean, Livingston, Iroquois, Will, Grundy, Kendall, La Salle, Putnam, Marshall, Stark, Bureau, Henry, Mercer, Rock Island, Whiteside, Lee, Carroll, Jo Daviess, Stephenson, Winnebago, Ogle, De Kalb, Boone, Kane, McHenry, Lake, Cook and Du Page.

SEC. —. The terms of the supreme court for the first division shall be held at Mount Vernon, in Jefferson county; for the second division at Springfield, in Sangamon county; for the third division at Princeton, in Bureau county, until some other place in either division is fixed by law.

SEC. —. Appeals and writs of error may be taken from the circuit court of any county to the supreme court held in the division which includes such county, or to the supreme court held in the next adjoining division.

On motion of Mr. Logan,

The report was amended by striking the counties of "Cumberland and Clark" from the first grand division, and adding them to the second grand division.

On motion of Mr. Markley,

The report was laid on the table, and 250 copies ordered to be printed for the use of the convention.

The convention resumed the consideration of the report of the committee on Revenue, as amended in committee of the whole.

Mr. Woodson, on leave, offered the following as an amendment to the



amendments of the committee of the whole to the second section, to be prefixed to that section:

"The general assembly shall cause to be collected from all free white male inhabitants of this state over the age of twenty-one years and under the age of sixty years, a capitation tax of not less than fifty cents nor more than one dollar, annually, to be applied as the legislature may direct; said tax to continue until the payment of the public debt of the state.

"Sec. —. At the election to which shall be submitted the constitution to the people for their ratification or rejection, a separate poll shall be opened for and against a poll tax, and if a majority of those voting on said question shall be in favor of such tax, then the foregoing section shall stand as a part of this constitution in lieu of the first section, but if a majority of the votes polled shall be against the poll tax, then the said first section shall not be and remain a part of this constitution."

On motion,

The previous question was ordered.

A division of the question was called for,

The question was taken, and the convention refused to order such division.

The question was taken, by yeas and nays, on the adoption of the amendment, offered by Mr. Woodson,

And decided in the negative,	{ Yeas,	:	:	:	:	61
	{ Nays,	:	:	:	:	77

Those voting in the affirmative, are,

Mr. Bond  
Bosbyshell  
Brown  
Canady  
R. J. Cross  
D. Davis  
T. G. C. Davis  
Dawson  
Deitz  
Dunlap  
Dunsmore  
C. Edwards  
N. W. Edwards  
Graham  
Geddes  
H. R. Green  
Grimshaw  
Harding  
Harper  
Hawley  
Hayes

Mr. Holmes  
Hurlbut  
Huston  
James  
Judd  
A. R. Knapp  
Knowlton  
Knox  
Lander  
Lockwood  
Logan  
F. S. D. Marshall  
Mieure  
Miller  
Minshall  
Moffett  
Moore  
Morris  
Northcott  
H. D. Palmer

Mr. J. M. Palmer  
Rives  
Robinson  
Servant  
Sharpe  
Shields  
Sim  
Spencer  
Thomas  
Thornton  
Turnbull  
Tuttle  
Wead  
West  
Williams  
Witt  
Whiteside  
Woodson  
Worcester  
Mr. President.

Those who voted in the negative, are,

Mr. Akin  
Allen  
Anderson  
Armstrong  
Atherton

Mr. Ballingall  
Blair  
Blakely  
Bunsen  
Caldwell

Mr. J. M. Campbell  
T. Campbell  
Carter  
F. S. Casey  
Z. Casey



Mr. Choate	Mr. Hogue	Mr. Nichols
Church	Hunsaker	Oliver
Colby	Jackson	Pace
Crain	Jenkins	Peters
Dale	Jones	Powers
J. M. Davis	Kenner	Pratt
Dummer	S. Kinney	Robbins
Dunn	N. M. Knapp	Roman
Eccles	Kreider	Scales
Evey	Lasater	Shumway
Farwell	Laughlin	Simpson
Frick	Lemon	Singleton
P. Green	Linley	J. Smith
W. B. Green	Loudon	Stadden
Gregg	McCallen	Swan
Harlan	McCully	Trower
Harvey	McClure	Turner
Hatch	McHutton	Tutt
Heacock	Manly	Vance
Henderson	Markley	Vernor.
Hill	T. A. Marshall	

The question was taken on concurring with the committee of the whole, in the amendments made to the 2d section, and decided in the affirmative.

The question was taken on the adoption of the 2d section, as amended, and decided in the affirmative.

Mr. Woodson, on leave, offered the same amendment, before offered by him this morning, modified by striking out the word "not," before the last word "be," to be prefixed to the section, as an amendment to the amendments of the committee of the whole to the second section.

Mr. Akin moved to lay the amendment on the table.

The question was taken, by yeas and nays,

And decided in the negative,	{ Yeas,	:	:	:	:	71
	{ Nays,	:	:	:	:	71

Those voting in the affirmative, are,

Mr. Akin	Mr. Frick	Mr. McClure
Allen	W. B. Green	McHutton
Anderson	Gregg	Manly
Archer	Harlan	Markley
Armstrong	Harvey	Moffett
Atherton	Hatch	Nichols
Ballingall	Heacock	Oliver
Blair	Henderson	Pace
Blakely	Hill	Powers
Bosbyshell	Hogue	Pratt
Caldwell	Hunsaker	Robbins
J. M. Campbell	Huston	Robinson
T. Campbell	James	Roman
Carter	Jenkins	Scales
F. S. Casey	Jones	Shumway
Z. Casey	Kenner	Sibley
Choate	Kreider	E. O. Smith
Churchill	Lasater	J. Smith
Colby	Laughlin	Stadden
Crain	Lemon	Tutt
Dale	Linley	Vernor
Dunn	Loudon	West
Evey	McCallen	Whiteside.
Farwell	McCully	



Those voting in the negative, are,

Mr. Adams	Mr. Harper	Mr. Peters
Bond	Hawley	Rives
Brown	Hayes	Rountree
Bunsen	Holmes	Servant
Canady	Hurlbut	Sharpe
Church	Jackson	Shields
R. J. Cross	Judd	Sim
D. Davis	S. Kinney	Simpson
J. M. Davis	N. M. Knapp	Spencer
T. G. C. Davis	Knowlton	Swan
Dawson	Knox	Thomas
Deitz	Lander	Thornton
Dummer	Lockwood	Trower
Dunlap	Logan	Turnbull
Dunsmore	T. A. Marshall	Turner
Eccles	Mason	Tuttle
C. Edwards	Mieure	Vance
N. W. Edwards	Miller	Wead
Graham	Minshall	Williams
Geddes	Moore	Witt
H. R. Green	Morris	Woodson
P. Green	Northcott	Worcester
Grimshaw	H. D. Palmer	Mr. President.
Harding	J. M. Palmer	

Mr. Atherton moved the previous question.

On motion,

The convention adjourned until three o'clock, P. M.

### THREE O'CLOCK, P. M.

The convention assembled pursuant to adjournment.

On motion of Mr. N. W. Edwards,

A call of the convention was ordered.

The call having been proceeded in, the following gentlemen were found to be absent:

Messrs. Adams, Ballingall, Butler, Canaday, Church, S. J. Cross, Dement, Edmonson, W. B. Green, Hay, Holmes, W. C. Kinney, Kitchell, Knox, Mason, Miller, Matheny, Norton, Servant, Sharpe, Sherman, Singleton, Thompson, Turner, Tutt, Webber, and Williams—27.

On motion of Mr. Dale,

Further proceedings under the call were dispensed with.

The convention resumed the consideration of the report of the committee on Revenue, as amended in committee of the whole.

The question was taken on ordering the previous question, and decided in the affirmative.

The question was taken, by yeas and nays, on the adoption of the amendment offered by Mr. Woodson,

And decided in the negative, { Yeas, . . . . . 61  
Nays, . . . . . 78



Those voting in the affirmative, are,

Mr. Adams	Mr. Harding	Mr. H. D. Palmer
Bond	Harper	J. M. Palmer
Brockman	Hawley	Peters
Brown	Harlbut	Rives
R. J. Cross	Jackson	Roantree
D. Davis	Judd	Shields
T. G. C. Davis	S. Kinney	Sim
Dawson	A. R. Knapp	Spencer
Deitz	N. M. Knapp	Swan
Dummer	Knowlton	Thomas
Dunlap	Lander	Thornton
Dunsmore	Lockwood	Turnbull
Eccles	Logan	Turner
C. Edwards	F. S. D. Marshall	Tuttle
N. W. Edwards	T. A. Marshall	Vance
Graham	Mason	Witt
Geddes	Mieure	Woodson
H. R. Green	Minshall	Worcester
P. Green	Moore	Mr. President
Grimshaw	Northcott	

Those voting in the negative, are,

Mr. Akin	Mr. Frick	Mr. McHatton
Allen	Gregg	Manly
Anderson	Harlan	Markley
Archer	Harvey	Moffett
Armstrong	Hatch	Morris
Atherton	Hayes	Nichols
Ballingall	Heacock	Oliver
Blair	Henderson	Pace
Blakely	Hill	Powers
Bosbyshell	Hoes	Pratt
Bunsen	Hogue	Robbins
J. M. Campbell	Hunsaker	Robinson
T. Campbell	Huston	Roman
Carter	James	Scates
F. S. Casey	Jenkins	Shumway
Z. Casey	Jones	Sibley
Choate	Kenner	Simpson
Churchill	Kreider	E. O. Smith
Colby	Lasater	J. Smith
Constable	Laughlin	Stadden
Crain	Lemon	Trower
Dale	Linley	Vernor
J. M. Davis	Loudon	Wead
Dunn	McCallen	West
Evey	McCully	Whiteside
Farwell	McClure	Whitney.

The question was taken on concurring with the committee of the whole in the amendments made to the third section, and decided in the affirmative.

The question was taken on the adoption of the third section as amended, and decided in the affirmative.

Mr. Dawson moved the following as a substitute for the fourth section:

"The legislature shall cause the several county clerks in this state, at the proper time, to make out in tabular form, according to the proper subdivisions thereof, a list of all lands on which taxes remain due and unpaid



for the year last past, and place the same in the hands of the assessor for the next year, whose duty it shall be, when he assesses lands, to compare the assessment with the delinquent list, and should they find any lands on the delinquent list which belong to any citizen of these respective counties, they shall notify the citizen thereof, and no lands shall be offered for sale until the same be advertised for at least three weeks in some newspaper printed in this state, nearest where the lands lie, and after the time in which the assessment is to close according to law."

The question was taken, by yeas and nays, on the adoption of the substitute,

And decided in the negative,	{ Yeas,	:	:	:	:	50
	{ Nays,	:	:	:	:	84

Those voting in the affirmative, are,

Mr. Atherton  
Choate  
Churchill  
D. Davis  
Dawson  
Dunn  
Dunsmore  
N. W. Edwards  
Frick  
Graham  
H. R. Green  
Grimshaw  
Harlan  
Harper  
Hill  
Hunsaker  
Hurlbut

Mr. James  
Jenkins  
Judd  
Kenner  
S. Kinney  
N. M. Knapp  
Knowlton  
Lander  
Lockwood  
Logan  
Manly  
Markley  
T. A. Marshall  
Mieure  
Minshall  
Moffett  
Moore

Mr. Northcott  
H. D. Palmer  
Rives  
Robbins  
Rountree  
Shields  
Shumway  
Sibley  
Sim  
Spencer  
Thornton  
Vance  
West  
Williams  
Whitney  
Mr. President.

Those voting in the negative, are,

Mr. Adams  
Akin  
Allen  
Anderson  
Armstrong  
Ballingall  
Blair  
Blakely  
Bond  
Bosbyshell  
Brockman  
Brown  
Bunsen  
J. M. Campbell  
T. Campbell  
Carter  
Z. Casey  
Church  
Colby  
Constable  
Crain  
R. J. Cross  
Dale  
J. M. Davis  
Deitz  
Dummer  
Dunlap  
Eccles  
C. Edwards

Mr. Evey  
Farwell  
Geddes  
P. Green  
Gregg  
Harding  
Harvey  
Hatch  
Hawley  
Hayes  
Heacock  
Henderson  
Hoes  
Hogue  
Holmes  
Huston  
Jackson  
Jones  
A. R. Knapp  
Kreider  
Lasater  
Laughlin  
Lemon  
Linley  
Loudon  
McCallen  
McClure  
McCully

Mr McClure  
McHatten  
F. S. D. Marshall  
Mason  
Morris  
Oliver  
Pace  
J. M. Palmer  
Peters  
Powers  
Pratt  
Robinson  
Scates  
Servant  
Sharpe  
Simpson  
J. Smith  
Stadden  
Thomas  
Trower  
Turnbull  
Turner  
Vernor  
Wead  
Witt  
Whiteside  
Woodson  
Worcester.



Mr. N. M. Knapp moved to amend the fourth section, as amended in committee of the whole, by striking out the words "clerk of the circuit court of," in the 18th line, and inserting in lieu thereof the words "officer having custody of the records of lands and lots sold for taxes and entries of redemption in," and by striking out the word "clerk," in the nineteenth line, and inserting in lieu thereof the word "officer."

The question was taken and decided in the affirmative.

Mr. Williams offered the following as a substitute for the fourth section as amended:

"Hereafter tax deeds of lands sold for taxes without judgment or order of court, shall not be evidence of title against the former owner, or those claiming title or possession under him, without proof that the taxes for which it was sold had been duly assessed, and that the land was sold conformably to law."

The question was taken, and the amendment rejected.

Mr. Vance offered the following as a substitute for the fourth section as amended:

"That all lands hereafter sold for the non-payment of taxes shall be bid in for the state by some person in each county authorized by law for that purpose, under the same penalties and restrictions as now provided by law. There shall be elected or appointed some person in each county for the collecting of taxes, on lands bid in for the state for non-payment of taxes, whose duties shall be prescribed by law, as follows: All lands bid in for the state for non-payment of taxes, if not redeemed within five years after sale, be offered at a minimum value, after giving six weeks' notice in a newspaper printed in the county where the land lies; if no paper is printed in the county, in the nearest paper to said county, that on a certain day provided by law, shall offer all lands bid in for the state to the best bidder, at or over the minimum value, shall be the purchaser, who shall receive a deed from the state for the same; and after all taxes due on said lands, with all reasonable charges, the balance shall be deposited in the state treasury for the sole benefit of the owner, should he or she, his or her heirs, hereafter apply for the same, making satisfactory proof to the proper officer designated by law, for the purpose of adjusting said claims, that he or she is the *bona fide* owner."

The question was taken, and the substitute rejected.

On motion of Mr. Church,

The fourth section as amended was further amended by inserting after the word "officer," in the nineteenth line, the words "entered on the records of his office and," and by inserting after the word "and," in the nineteenth line, the words "which record or affidavit."

Mr. Wead offered the following as a substitute for the fourth section as amended:

"It shall be necessary, in all cases where title to land is claimed by any person in a court of justice, by virtue of a sale hereafter made for taxes, to show that the law under which such sale was made has been complied with."

The question was taken, and the substitute rejected.



The question was taken, by yeas and nays, on concurring with the committee of the whole, in the amendment made to the fourth section,

And decided in the affirmative, { Yeas, . . . . 76  
Nays, . . . . 56

Those voting in the affirmative, are,

Mr. Bosbyshell	Mr. Heacock	Mr. Moffett
Brockman	Hill	Moore
Brown	Hogue	Morris
Bunsen	Hurlbut	Nichols
Choate	Jackson	Northcott
Churchill	James	H. D. Palmer
Crain	Jenkins	J. M. Palmer
R. J. Cross	Judd	Rives
Dale	Kenner	Servant
D. Davis	A. R. Knapp	Shields
J. M. Davis	N. M. Knapp	Shumway
Dawson	Knowlton	Sibley
Dummer	Lander	Simpson
Dunlap	Laughlin	Spencer
Dunsmore	Lemon	Swan
Eccles	Linley	Thomas
C. Edwards	Lockwood	Thornton
N. W. Edwards	Logan	Vance
Evey	McCallen	West
Graham	McHatton	Witt
Geddes	Manly	Whiteside
H. R. Green	F. S. D. Marshall	Whitney
W. B. Green	T. A. Marshall	Woodson
Grimshaw	Mieure	Worcester
Hawley	Minshall	Mr. President.
Hayes		

Those voting in the negative, are,

Mr. Adams	Mr. P. Green	Mr. McClure
Akin	Gregg	Markley
Allen	Harding	Oliver
Anderson	Harlan	Peters
Armstrong	Harper	Powers
Atherton	Harvey	Pratt
Ballingall	Hatch	Robbins
Blair	Henderson	Robinson
Blakely	Hoes	Roman
Bond	Holmes	Rountree
J. M. Campbell	Hunsaker	Scates
Carter	Huston	Sharpe
Zadok Casey	Jones	Trower
Church	S. Kinney	Turnbull
Colby	Knox	Turner
Deitz	Kreider	Tuttle
Dunn	Lasater	Vernor
Farwell	Loudon	Wead
Frick	McCully	Williams.

Mr. Lockwood moved the following as an additional section:

"Sec. —. No lands in the state shall be assessed at a less value than one dollar and fifty cents per acre."

Mr. Markley moved to strike out the words "one dollar and fifty cents," and to insert in lieu thereof the words "two dollars."



The question was taken, by yeas and nays, on the adoption of the amendment,

And decided in the negative,	{ Yeas,	:	:	:	43
	{ Nays,	:	:	:	87

Those voting in the affirmative, are,

Mr. Anderson	Mr. Harvey	Mr. F. S. D. Marshall
Brown	Hatch	Mason
T. Campbell	Henderson	Northcott
Carter	Hill	Powers
Church	Hoes	Robinson
R. J. Cross	Hurlbut	Sharpe
Dummer	Jackson	E. O. Smith
C. Edwards	James	Stadden
N. W. Edwards	Knowlton	Swan
Farwell	Kreider	Thomas
Graham	Linley	Wead
Geddes	Logan	West
Gregg	McClure	Whitney
Harlan	Markley	Mr. President.
Harper		

Those voting in the negative, are,

Mr. Akin	Mr. Hawley	Mr. Oliver
Allen	Hayes	H. D. Palmer
Archer	Heacock	Peters
Armstrong	Hogue	Pratt
Atherton	Holmes	Rives
Ballingall	Hunsaker	Robbins
Blair	Huston	Roman
Blakely	Jenkins	Rountree
Bond	Jones	Scates
Bunsen	Kenner	Servant
J. M. Campbell	S. Kinney	Shields
Z. Casey	A. R. Knapp	Shumway
Choate	N. M. Knapp	Sibley
Churchill	Knox	Sim
Crain	Lander	Simpson
Dale	Lasater	J. Smith
D. Davis	Laughlin	Spencer
J. M. Davis	Lemon	Thornton
Dawson	Lockwood	Trower
Deitz	Loudon	Turnbull
Dunn	McCallen	Turner
Dunsmore	McCully	Tuttle
Eccles	McHatton	Vance
Evey	Manly	Vernor
Frick	Mieure	Williams
H. R. Green	Minshall	Witt
P. Green	Moffett	Whiteside
W. B. Green	Morris	Woodson
Grimshaw	Nichols	Worcester.

Mr. Lockwood modified the additional section by striking out the word "fifty," and inserting the words "twenty-five."

Mr. Z. Casey moved to lay the proposed additional section on the table.



The question was taken, by yeas and nays,

And decided in the negative,	{ Yeas, : : : . 67
	{ Nays, : : : . 67

Those voting in the affirmative, are,

Mr. Adams	Mr. P. Green	Mr. Nichols
Akin	W. B. Green	Oliver
Allen	Grimshaw	Pace
Armstrong	Harvey	H. D. Palmer
Atherton	Hayes	Powers
Ballingall	Heacock	Pratt
Blair	Hill	Rives
Blakely	Hogue	Robbins
Bond	Jenkins	Roman
Brockman	Jones	Rountree
Bunsen	Kenner	Scates
J. M. Campbell	Lander	Shields
Z. Casey	Lasater	Shumway
Churchill	Laughlin	Sim
Colby	Lemon	Simpson
Constable	Loudon	J. Smith
Crain	McCallen	Thornton
Dale	McHatten	Turner
J. M. Davis	Mieure	Tuttle
Deitz	Miller	Vernor
Dunn	Moore	Worcester
Eccles	Morris	Mr. President.
Frick		

Those voting in the negative, are,

Mr. Anderson	Mr. Henderson	Mr. T. A. Marshall
Brown	Hoes	Mason
T. Campbell	Holmes	Minshall
Carter	Hurlbut	Moffett
Choate	Huston	J. M. Palmer
Church	Jackson	Peters
R. J. Cross	James	Servant
D. Davis	Judd	Sibley
Dawson	S. Kinney	E. O. Smith
Dummer	A. R. Knapp	Spencer
Dunlap	N. M. Knapp	Stadden
Dunsmore	Knowlton	Swan
C. Edwards	Knox	Thomas
N. W. Edwards	Kreider	Trower
Farwell	Linley	Vance
Graham	Lockwood	Wead
Geddes	Logan	Webber
H. R. Green	McCully	West
Gregg	McClure	Witt
Harding	Manly	Whiteside
Harlan	Markley	Whitney
Harper	F. S. D. Marshall	Woodson.
Hatch		

On motion of Mr. J. M. Davis,

A call of the convention was ordered.

The call was proceeded in for some time, when it appeared that the following gentlemen were absent:

Messrs. Archer, Butler, Caldwell, Canady, F. S. Casey, Colby, S. J. Cross, T. G. C. Davis, Dement, Edmonson, Hay, W. C. Kinney, Kitch-



ell, Matheny, Norton, Pinckney, Sherman, Singleton, J. Smith, Thompson, and Tutt—21.

On motion of Mr. Whitney,

Further proceedings under the call were dispensed with.

Mr. McCallen moved the following as a substitute for the additional section:

"All taxation levied upon property shall be by an actual appraisement valuation."

The question was taken, by yeas and nays, on the adoption of the substitute,

And decided in the affirmative,	{ Yeas, : : : : 76
	{ Nays, : : : : 63

Those voting in the affirmative, are,

Mr. Akin	Mr. Grimshaw	Mr. Pace
Allen	Hawley	J. M. Palmer
Armstrong	Hayes	H. D. Palmer
Atherton	Hill	Rives
Blair	Hogue	Robbins
Blakely	Hunsaker	Roman
Bond	Jenkins	Rountree
Brockman	Jones	Scates
Bunsen	Judd	Shields
Caldwell	Kenner	Shumway
J. M. Campbell	Lander	Sibley
Z. Casey	Lasater	Sim
Choate	Laughlin	Simpson
Churchill	Linley	J. Smith
Colby	Loudon	Spencer
Constable	McCallen	Thornton
Crain	McCully	Trower
Dale	McHatton	Turnbull
J. M. Davis	Manly	Turner
Dunn	Mieure	Vernor
Eccles	Moffett	Williams
Evey	Moore	Witt
Farwell	Morris	Woodson
Frick	Nichols	Worcester
P. Green	Oliver	Mr. President.
W. B. Green		

Those voting in the negative, are,

Mr. Anderson	Mr. Harding	Mr. Logan
Ballingall	Harlan	McClure
Brown	Harper	Markley
T. Campbell	Harvey	F. S. D. Marshall
Carter	Hatch	Mason
R. J. Cross	Heacock	Minshall
Church	Henderson	Northcott
D. Davis	Hoes	Peters
Dawson	Hurlbut	Robinson
Deitz	Huston	Servant
Dummer	Jackson	Stadden
Dunlap	James	Swan
Dunsmore	A. R. Knapp	Thomas
C. Edwards	N. M. Knapp	Tuttle
N. W. Edwards	Knowlton	Vance
Graham	Knox	Wead
Geddes	Kreider	Webber
H. R. Green	Lemon	Whiteside
Gregg	Lockwood	Whitney.



On motion of Mr. N. W. Edwards,

The proposed additional section as amended, was laid on the table.

Mr. Turnbull offered the following as an additional section:

"The legislature may equalize or provide for equalizing the valuation of taxable property according to the relative value of the same in the several counties in the state."

On motion of Mr. Scates,

The proposed additional section was laid on the table.

On motion of Mr. N. W. Edwards,

The fifth additional section, as agreed to in committee of the whole, was amended by adding thereto the following:

"And the legislature shall require that all the property within the limits of municipal corporations belonging to individuals, shall be taxed for the payment of debts contracted under authority of law."

The question was taken, and the fifth additional section, as amended, was adopted.

The question was taken, and the sixth additional section, as agreed to in committee of the whole, was adopted.

On motion of Mr. Z. Casey,

The article was referred to the committee on the Revision and Adjustment of the Articles of the Constitution.

On motion,

The convention adjourned.

## FRIDAY, AUGUST 20, 1847.

The convention assembled pursuant to adjournment.

Prayer by Rev. H. D. Palmer, a member.

The journal of yesterday was read.

On motion of Mr. J. M. Campbell,

A call of the convention was ordered.

The call was proceeded in for some time, when the following gentlemen were found to be absent:

Messrs. Archer, Atherton, Brown, Butler, Canady, F. S. Casey, Constable, T. G. C. Davis, Edmonson, Evey, Farwell, Gregg, Hay, Hoes, Hunsaker, James, W. C. Kinney, Kitchell, Lockwood, Logan, McCallen, Matheny, Minshall, Pace, Peters, Pinckney, Scates, Sherman, Simpson, Singleton, Tutt, and Whiteside—31.

On motion of Mr. Robbins,

Messrs. T. G. C. Davis, Tutt, F. S. Casey, and Pinckney were excused in consequence of sickness.

On motion,

Further proceedings under the call were dispensed with.

On motion of Mr. Woodson,

The report of the committee on Counties was taken from the table, when,

On motion of Mr. Eccles,

The convention proceeded to the consideration of the report of the committee, made in obedience to instructions of the convention.



Mr. Markley moved to amend the first section by striking out the words "nor any line of which shall pass within less than ten miles of any county seat already established."

The question was taken, by yeas and nays, on the adoption of the amendment,

And decided in the negative,	{ Yeas,	:	:	:	:	48
	{ Nays,	:	:	:	:	91

Those voting in the affirmative, are,

Mr. Adams  
Allen  
Atherton  
Ballingall  
Blair  
Brockman  
Brown  
Carter  
Choate  
Colby  
R. J. Cross  
Dale  
Deitz  
Dunsmore  
C. Edwards  
Graham

Mr. H. R. Green  
P. Green  
Harding  
Harlan  
Heacock  
Hill  
Holmes  
Huston  
Jenkins  
Judd  
Kenner  
S. Kinney  
Kreider  
Lasater  
Markley  
Mason

Mr. Mieure  
Miller  
Moffett  
Moore  
Oliver  
Powers  
Roman  
Sharpe  
E. O. Smith  
J. Smith  
Turnbull  
Turner  
Tuttle  
Vance  
Whitney  
Mr. President.

Those voting in the negative, are,

Mr. Akin  
Anderson  
Archer  
Armstrong  
Blakely  
Bond  
Bosbyshell  
Bunsen  
Caldwell  
J. M. Campbell  
T. Campbell  
Z. Casey  
Churchill  
Crain  
S. J. Cross  
D. Davis  
J. M. Davis  
Dawson  
Dement  
Dummer  
Dunlap  
Dunn  
Eccles  
N. W. Edwards  
Evey  
Farwell  
Frick  
Geddes  
W. B. Green  
Gregg  
Grimshaw

Mr. Harper  
Harvey  
Hatch  
Hawley  
Hayes  
Henderson  
Hogue  
Hunsaker  
Hurlbut  
Jackson  
James  
Knowlton  
Lander  
Laughlin  
Lemon  
Linley  
Lockwood  
Logan  
McCaillen  
McCully  
McClure  
McHatton  
Manly  
F. S. D. Marshall  
T. A. Marshall  
Minshall  
Morris  
Nichols  
Northcott  
Norton

Mr. H. D. Palmer  
J. M. Palmer  
Peters  
Pratt  
Rives  
Robbins  
Robinson  
Rountree  
Servant  
Shields  
Shumway  
Sibley  
Sim  
Simpson  
Singleton  
Spencer  
Stadden  
Swan  
Thomas  
Thompson  
Thornton  
Trower  
Vernor  
Wead  
Webber  
West  
Williams  
Witt  
Whiteside  
Woodson.





On motion of Mr. Eccles,

The first section was amended by inserting after the word "seat," in the fourth line, the words "of the county or counties proposed to be divided."

Mr. Markley offered the following as a proviso to the first section as amended:

"*Provided, however, a county may be divided into two counties whenever a majority of the legal voters shall be in favor of the same, when each of said counties shall contain not less than four hundred square miles.*"

On motion of Mr. T. A. Marshall,

The proviso was laid on the table,

{ Yeas,	.	.	70
{ Nays,	.	.	69

Those voting in the affirmative, are,

Mr. Adams	Mr. Hatch	Mr. H. D. Palmer
Anderson	Henderson	Peters
Armstrong	Hogue	Rives
Atherton	Hunsaker	Robbins
Ballingall	Hurlbut	Robinson
Bond	Jackson	Roman
Caldwell	Judd	Servant
T. Campbell	A. R. Knapp	Sharpe
R. J. Cross	N. M. Knapp	Shields
D. Davis	Knowlton	Sibley
Dawson	Lander	Sim
Deitz	Lemon	Stadden
Dummer	Linley	Swan
Dunlap	Lockwood	Thomas
Eccles	Logan	Thornton
N. W. Edwards	McCully	Trower
Farwell	McClure	Turner
Frick	Manly	Wead
Geddes	F. S. D. Marshall	Webber
W. B. Green	T. A. Marshall	West
Gregg	Minshall	Williams
Grimshaw	Nichols	Witt
Harlan	Northcott	Woodson.
Harper	Norton	

Those voting in the negative, are,

Mr. Akin	Mr. Dement	Mr. Jones
Allen	Dunn	Kenner
Archer	Dunsmore	S. Kinney
Blair	C. Edwards	Kreider
Bosbyshell	Evey	Lasater
Brockman	Graham	Laughlin
Brown	H. R. Green	Loudon
Bunsen	P. Green	McCallen
J. M. Campbell	Harding	McHatton
Carter	Hawley	Markley
Z. Casey	Hayes	Mason
Choate	Heacock	Mieure
Churchill	Hill	Miller
Colby	Holmes	Moffett
Crain	Huston	Moore
S. J. Cross	James	Morris
Dale	Jenkins	Oliver



Mr. J. M. Palmer  
Powers  
Pratt  
Rountree  
Shumway  
Simpson

Mr. Singleton  
E. O. Smith  
J. Smith  
Spencer  
Thompson  
Turnbull

Mr. Tuttle  
Vance  
Vernor  
Whiteside  
Whitney  
Mr. President.

On motion of Mr. Eccles,

The previous question was ordered.

The question was taken on the adoption of the first section, as amended, and decided in the affirmative.

On motion of Mr. Holmes,

The 11th section was amended by adding after the word "county," at the end of the second line, the words "voting on the question."

Mr. N. W. Edwards offered the following, to be added to the second section, as amended:

"Nor shall any territory be taken from any county, unless a majority of the voters within the territory proposed to be cut off shall be in favor of having their territory form a portion of another county."

Which was, on motion of Mr. Singleton,

Laid on the table.

Mr. Brown proposed to amend the second section, as amended, by adding the following:

"Where a county, either now or hereafter to be established, shall be situated on the navigable waters of this state, the county seat thereof may be established on said navigable waters, and in such case the county line may run within less than ten miles of the former county seat; *Provided*, a majority of the legal voters concur therein."

On motion of Mr. Wead,

The previous question was ordered, { Yeas, . . . . . 66  
Nays, . . . . . 63

Those voting in the affirmative, are,

Mr. Adams  
Akin  
Allen  
Anderson  
Atherton  
Ballingall  
Blair  
Bunsen  
Caldwell  
J. M. Campbell  
Carter  
Z. Casey  
Choate  
Dawson  
Dummer  
Dunlap  
Dunn  
Eccles  
Evey  
Frick  
Geddes  
H. R. Green

Mr. Harper  
Harvey  
Hayes  
Hoes  
Holmes  
Hunsaker  
Hurlbut  
Huston  
Jackson  
Lander  
Lasater  
Linley  
Lockwood  
Logan  
McCully  
McHatton  
Manly  
T. A. Marshall  
Mieure  
Miller  
Moore  
Morris

Mr. Nichols  
J. M. Palmer  
Rives  
Robbins  
Robinson  
Servant  
Sharpe  
Shields  
Sim  
E. O. Smith  
J. Smith  
Spencer  
Stadden  
Swan  
Thomas  
Thomson  
Trower  
Turner  
Vernor  
Wead  
Webber  
West.



Those voting in the negative, are,

Mr. Armstrong	Mr. Harlan	Mr. Oliver
Bosbyshell	Hatch	H. D. Palmer
Brockman	Henderson	Peters
Brown	Hogue	Powers
T. Campbell	James	Pratt
Churchill	Jenkins	Roman
Colby	W. C. Kinney	Rountree
Constable	A. R. Knapp	Shumway
Crain	N. M. Knapp	Simpson
S. J. Cross	Knowlton	Singleton
Dale	Knox	Thornton
J. M. Davis	Kreider	Turnbull
Dunsmore	Laughlin	Tuttle
C. Edwards	Lemon	Vance
N. W. Edwards	McCallen	Williams
Farwell	McClure	Witt
Graham	Markley	Whiteside
P. Green	F. S. D. Marshall	Whitney
Gregg	Mason	Woodson
Grimshaw	Moffett	Worcester
Harding	Norton	Mr. President.

Mr. Brown withdrew his amendment.

The question was taken, by yeas and nays, on the adoption of the 2d section, as amended,

And decided in the affirmative,	{ Yeas,	:	:	:	:	74
	{ Nays,	:	:	:	:	60

Those voting in the affirmative, are,

Mr. Adams	Mr. Hurlbut	Mr. Robbins
Archer	Huston	Robinson
Armstrong	Jackson	Rountree
Bond	Jones	Servant
Bosbyshell	A. R. Knapp	Shields
Bunsen	N. M. Knapp	Sim
Caldwell	Knowlton	Simpson
J. M. Campbell	Knox	E. O. Smith
T. Campbell	Kreider	J. Smith
S. J. Cross	Lander	Spencer
D. Davis	Linley	Stadden
J. M. Davis	Lockwood	Swan
Dummer	Logan	Thomas
Dunlap	McCallen	Thompson
Dunn	McCully	Thornton
Eccles	McHatton	Trower
Evey	Markley	Tuttle
Farwell	T. A. Marshall	Vance
Geddes	Mieure	Wead
Grimshaw	Miller	Webber
Harlan	Nichols	West
Harper	H. D. Palmer	Williams
Harvey	J. M. Palmer	Witt
Hayes	Peters	Woodson.
Hoes	Rives	



Those voting in the negative, are,

Mr. Akin	Mr. N. W. Edwards	Mr. McClure
Allen	Frick	Manly
Anderson	Graham	Mason
Atherton	P. Green	Moffett
Ballingall	Gregg	Moore
Blair	Harding	Morris
Brown	Hatch	Norton
Carter	Heacock	Oliver
Z. Casey	Henderson	Powers
Choate	Hogue	Pratt
Churchill	Holmes	Roman
Colby	Hunsaker	Sharpe
Constable	James	Sibley
Crain	Jenkins	Singleton
Dale	Judd	Turnbull
Dawson	Kenner	Turner
Deitz	S. Kinney	Vernor
Dement]	Lasater	Whitney
Dunsmore	Laughlin	Worcester
C. Edwards	Lemon	Mr. President.

Mr. Vance moved a reconsideration of the vote taken on the adoption of the first section of said report.

The question was taken, and the convention refused to reconsider.

On motion of Mr. Brown,

The convention proceeded to consider the other report of the majority of the same committee; the first section whereof being read,

Mr. Brown moved to substitute the following:

"Where a county, either now or hereafter to be established, shall be situated on the navigable waters of this state, the county seat thereof may be established on said navigable waters and in such case the county line may run within less than ten miles of the former county seat; *Provided*, a majority of the legal voters of said county concur therein."

On motion,

The convention adjourned until 3 o'clock, P. M.

### THREE O'CLOCK, P. M.

Convention assembled pursuant to adjournment.

On motion of Mr. C. Edwards,

The rules were suspended to enable him to make a motion.

On motion of Mr. C. Edwards,

The committee on the Revision and Adjustment of the Articles of the Constitution, were authorized to employ a clerk.

The question pending this morning when the convention adjourned, was on the substitute offered by Mr. Brown, for the first section of the majority report of the committee on Counties.

Mr. McCallen called for a division of the question.

The question was taken, and the convention refused to order a division.



The question was taken on the adoption of the substitute, and decided in the negative.

Mr. Williams offered the following as a substitute for the first section

"All territory which has been or may be stricken off by legislative enactment, from any organized county or counties, for the purpose of forming a new county, and such new county shall remain unorganized after the period enacted for such organization to take place, then such territory so stricken off shall be and remain a part and portion of the county or counties from which it was originally taken, for all the purposes of county and state government, and to participate in all the immunities thereof, until otherwise provided by law."

Mr. Singleton moved to add the following proviso to the substitute:

"*Provided*, the legislature may, upon the application of a majority of the legal voters of any district of county, attach said district to any other county, or form a new county; *Provided*, the county lines are not thereby so altered as to run within ten miles of any county seat permanently established."

The question was taken, by yeas and nays, on the adoption of the proviso,

And decided in the negative,	{ Yeas,	:	:	:	:	35
	{ Nays,	:	:	:	:	96

Those voting in the affirmative, are,

Mr. Atherton	Mr. Hay	Mr. Morris
Blair	Holmes	Nichols
Brockman	James	Powers
Brown	Kenner	Pratt
Z. Casey	S. Kinney	Roman
Crain	McHatton	Sharpe
S. J. Cross	F. S. D. Marshall	Singleton
C. Edwards	Mason	J. Smith
Graham	Mieure	Thompson
P. Green	Minshall	Whiteside
Gregg	Moffett	Mr. President.
Harlan	Moore	

Those voting in the negative, are,

Mr. Akin	Mr. J. M. Davis	Mr. Hayes
Allen	Dawson	Heacock
Anderson	Dement	Hogue
Armstrong	Dummer	Hunsaker
Ballingall	Dunlap	Huston
Blakely	Dunn	Jackson
Bosbyshell	Dunsmore	Jones
Bunsen	Eccles	Judd
J. M. Campbell	N. W. Edwards	A. R. Knapp
T. Campbell	Frick	N. M. Knapp
Carter	Geddes	Knox
Choate	H. R. Green	Kreider
Church	Grimshaw	Lander
Churchill	Harding	Lasater
Colby	Harper	Laughlin
R. J. Cross	Harvey	Lemon
Dale	Hatch	Linley
D. Davis	Hawley	Lockwood



Mr. Logan	Mr. Robbins	Mr. Thornton
Loudon	Robinson	Trower
McCallen	Rountree	Turnbull
McCully	Servant	Turner
McClure	Shields	Tuttle
Manly	Shumway	Vance
Markley	Sibley	Vernor
T. A. Marshall	Sim	Wead
Miller	Simpson	Webber
Northcott	Singleton	West
Oliver	Spencer	Williams
Pace	Stadden	Witt
H. D. Palmer	Swan	Whitney
Peters	Thomas	Woodson.
Rives		

The question was taken on the adoption of the substitute, and decided in the affirmative.

Mr. Markley proposed to add the following proviso to the first section as amended:

*“Provided, however, that a county may be divided into two counties whenever a majority of the legal voters of such county shall be in favor of the same, when each of said counties shall contain not less than four hundred square miles and have a population of not less than six thousand.”*

The question was taken, by yeas and nays, on the adoption of the proviso,

And decided in the negative,	{ Yeas, . . . . .	C2
	{ Nays, . . . . .	65

Those voting in the affirmative, are,

Mr. Allen	Mr. Harvey	Mr. Minshall
Anderson	Hatch	Moffett
Armstrong	Hay	Moore
Atherton	Heacock	Oliver
Blair	Hogue	Powers
Brockman	Holmes	Pratt
Brown	Hunsaker	Roman
Z. Casey	Huston	Rountree
Choate	Jenkins	Simpson
Churchill	Kenner	Singleton
Colby	S. Kinney	J. Smith
Crain	Knox	Turnbull
R. J. Cross	Kreider	Turner
Dale	Lasater	Tuttle
Dement	Laughlin	Vance
Dunsmore	Lemon	Vernor
C. Edwards	McCallen	Witt
Graham	McHatton	Whiteside
P. Green	Markley	Whitney
W. B. Green	Mason	Mr. President.
Harding	Miller	

Those voting in the negative, are,

Mr. Akin	Mr. J. M. Campbell	Mr. Dawson
Ballingall	T. Campbell	Dummer
Blakely	Carter	Dunlap
Bosbyshell	S. J. Cross	Dunn
Bunsen	D. Davis	Eccles



Mr. N. W. Edwards  
 Frick  
 Geddes  
 H. R. Green  
 Gregg  
 Grimshaw  
 Harlan  
 Harper  
 Hawley  
 Hayes  
 Hurlbut  
 Jackson  
 James  
 Judd  
 Kitchell  
 A. R. Knapp  
 N. M. Knapp

Mr. Lander  
 Linley  
 Lockwood  
 Logan  
 McCully  
 McClure  
 Manly  
 F. S. D. Marshall  
 T. A. Marshall  
 Mieure  
 Morris  
 Northcott  
 Norton  
 H. D. Palmer  
 J. M. Palmer  
 Peters  
 Rives

Mr. Robbins  
 Robinson  
 Servant  
 Shields  
 Sibley  
 Sim  
 Spencer  
 Swan  
 Thomas  
 Thompson  
 Thornton  
 Trower  
 Wead  
 Webber  
 West  
 Woodson.

Mr. Tuttle offered the following as an amendment to the additional section:

"Sec. —. There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition for such division."

Mr. Lemon moved to add the following to said amendment.

"And no territory shall be added to any county without the consent of the county to which it is added."

The question was taken on the adoption of the amendment to the amendment, and decided in the affirmative.

On motion of Mr. Logan,

The main question was ordered.

The question was taken on the adoption of the amendment, as amended, and decided in the affirmative.

The question was taken on the adoption of the additional section, as amended, and decided in the affirmative.

Mr. Whiteside moved to add the following to the second section.

"The legislature shall at the next session after the adoption of this constitution, proceed to lay off the state into sixty counties, as nearly in a square form as practicable, and when so laid off, shall be permanently established. The foregoing section shall be voted upon separately at the election of adoption of this constitution, and if it shall receive a majority of all the votes cast for and against it, it shall become a permanent provision and supersede all others coming in conflict with the same."

On motion of Mr. Shields,

The previous question was ordered.

The question was taken, by yeas and nays, on the adoption of the amendment, offered by Mr. Whiteside,

And decided in the negative,	{ Yeas,	:	:	:	:	30
	{ Nays,	:	:	:	:	99



Those voting in the affirmative, are,

Mr. Atherton	Mr. James	Mr. Roman
Bosbyshell	Judd	Servant
Brown	S. Kinzey	Sharpe
T. Campbell	Lemon	Singleton
Carter	Logan	Turner
Churchill	Mason	Vance
C. Edwards	Peters	Whiteside
Farwell	Powers	Whitney
Geddes	Pratt	Woodson
Hurlbut	Robbins	Mr. President.

Those voting in the negative, are,

Mr. Akin	Mr. Grimshaw	Mr. Markley
Allen	Harding	F. S. D. Marshall
Anderson	Harlan	Mieure
Armstrong	Harper	Miller
Ballingall	Harvey	Minshall
Blair	Hatch	Moffett
Blakely	Hawley	Moore
Brockman	Hay	Morris
Bunsen	Hayes	Northcott
J. M. Campbell	Henderson	Norton
Z. Casey	Hoes	Oliver
Choate	Holmes	Pace
Church	Hunsaker	H. D. Palmer
Crain	Huston	Rives
R. J. Cross	Jenkins	Robinson
S. J. Cross	Jones	Rountree
Dale	Kitchell	Shields
D. Davis	A. R. Knapp	Sibley
J. M. Davis	N. M. Knapp	Sim
Dawson	Knox	Spencer
Dement	Kreider	Stadden
Dummer	Lander	Swan
Dunlap	Lasater	Thomas
Dunn	Laughlin	Thornton
Dunsmore	Linley	Trower
Eccles	Lockwood	Turnbull
N. W. Edwards	Loudon	Tuttle
Frick	McCallen	Vernor
Graham	McCully	Webber
H. R. Green	McClure	West
P. Green	McHatton	Witt
W. B. Green	Manly	Worcester.
Gregg		

The question was taken on the adoption of the second section, and decided in the affirmative.

On motion of Mr. Eccles,

The remaining sections of the majority report were laid on the table.

On motion of Mr. Thomas,

The sections adopted were referred to the committee on the Revision and Adjustment of the Articles of the Constitution.

On motion of Mr. Woodson,

The report of the committee on Law Reform, as made by Mr. N. M. Knapp, was taken from the table.

The question was taken on the adoption of the first article and section of the report, and decided in the affirmative.



The question was consecutively taken on the adoption of the first and second sections of the second article, and decided in the affirmative.

On motion of Mr. Logan,

The third section was amended by striking out the word "herein," wherever it occurred.

The question was taken, and the third section adopted.

Mr. McCallen moved to amend the fourth section by striking out the word "one," in the fifth line.

The question was taken, and the amendment rejected.

Mr. F. S. D. Marshall moved to amend the same section by striking out all that part of the section commencing with the word "every," and ending with the word "office."

The question was taken, and decided in the affirmative.

On motion of Mr. Logan,

The same section as amended was further amended by striking out all after the word "office," in the fifth line.

On motion of Mr. Brown,

The same section was amended by inserting after the word "state," in the first line, the words "civil or military."

The question was taken on the adoption of the fourth section, as amended, and decided in the affirmative.

The question was taken on the adoption of the preamble, and decided in the affirmative.

On motion of Mr. Thomas,

The preamble and articles as amended were referred to the committee on the Revision and Adjustment of the Articles of the Constitution.

On motion of Mr. Peters,

The report of the select committee on the Organization of Townships and the Management of County Affairs, was taken from the table for consideration.

The question was consecutively taken on the adoption of the first and second sections, and decided in the affirmative.

Mr. Logan moved to reconsider the vote taken on the adoption of the first section.

On motion,

The convention adjourned.

## SATURDAY, August 21, 1847.

The convention met pursuant to adjournment.

Prayer by the Rev. Mr. Barger.

The journal of yesterday was read.

On motion of Mr. Colby,

The rules were temporarily suspended to enable him to offer a resolution.

Mr. Colby then offered the following resolution:

"Resolved, that five thousand of the fifty thousand copies of the constitution ordered to be printed by this convention, be printed in the German language."



Mr. Hurlbut moved to add, "and one thousand in the Norwegian language."

On motion,

The previous question was ordered.

The question was taken, by yeas and nays, on the adoption of the amendment proposed by Mr. Hurlbut,

And decided in the affirmative,	{ Yeas,	:	:	:	:	97
	{ Nays,	:	:	:	:	47

Those voting in the affirmative, are,

Mr. Armstrong	Mr. Harlan	Mr. Norton
Bailingall	Harper	Pace
Blakely	Harvey	H. D. Palmer
Bond	Hatch	J. M. Palmer
Bosbyshell	Heacock	Peters
Brown	Henderson	Pinckney
Bunsen	Hill	Powers
J. M. Campbell	Holmes	Pratt
T. Campbell	Hurlbut	Rives
Z. Casey	Huston	Robbins
Choate	Jackson	Robinson
Church	Kenner	Roman
Churchill	S. Kinney	Rountree
Colby	N. M. Knapp	Shumway
Constable	Knowlton	Simpson
Crain	Knox	E. O. Smith
R. J. Cross	Kreider	J. Smith
S. J. Cross	Lander	Spencer
Dale	Laughlin	Stadden
D. Davis	Lockwood	Thomas
J. M. Davis	Logan	Thornton
Deitz	McCallen	Turnbull
Dummer	McCully	Turner
Dunsmore	McClure	Vernor
C. Edwards	McHatton	Webber
Evey	Markley	West
Farwell	Mason	Williams
Frick	Miller	Whiteside
Geddes	Minshall	Whitney
H. R. Green	Moore	Woodson
W. B. Green	Nichols	Worcester
Gregg	Northcott	Mr. President.
Harding		

Those voting in the negative, are,

Mr. Adams	Mr. Hay	Mr. T. A. Marshall
Akin	Hayes	Mieure
Allen	Hogue	Moffett
Anderson	Hunsaker	Morris
Atherton	James	Oliver
Brockman	Jenkins	Servant
Canady	Jones	Shields
Carter	Judd	Sibley
Dawson	Kitchell	Sim
Dunn	A. R. Knapp	Singleton
Eccles	Lasater	Swan
N. W. Edwards	Lemon	Thompson
Graham	Linley	Tuttle
P. Green	Loudon	Vance
Grimshaw	Manly	Witt.
Howley	F. S. Marshall	



The question was taken, by yeas and nays, on the adoption of the resolution, as amended,

And decided in the affirmative,	{ Yeas, . . . . .	113
	{ Nays, . . . . .	33

Those voting in the affirmative, are,

Mr. Akin	Mr. Gregg	Mr. Moffett
Allen	Harding	Moore
Anderson	Harlan	Morris
Archer	Harper	Northcott
Armstrong	Harvey	Norton
Ballingall	Hatch	Pace
Blakely	Hawley	H. D. Palmer
Bond	Heacock	J. M. Palmer
Bosbyshell	Henderson	Peters
Brown	Hill	Powers
Bunsen	Hoes	Pratt
J. M. Campbell	Holmes	Robbins
T. Campbell	Hunsaker	Robinson
Canady	Hurlbut	Roman
Carter	Huston	Rountree
Z. Casey	James	Servant
Choate	Jenkins	Sharpe
Church	S. Kinney	Shumway
Churchill	Kitchell	Sim
Colby	N. M. Knapp	Simpson
Crain	Knowlton	E. O. Smith
R. J. Cross	Knox	J. Smith
S. J. Cross	Kreider	Spencer
Dale	Lander	Stadden
D. Davis	Laughlin	Thomas
J. M. Davis	Lemon	Thornton
Deitz	Logan	Turnbull
Dummer	McCallen	Tuttle
Dunlap	McCully	Vernor
Dunsmore	McClure	Webber
Eccles	McHatton	West
C. Edwards	Manly	Williams
Evey	Markley	Witt
Farwell	T. A. Marshall	Whiteside
Frick	Mason	Whitney
Geddes	Mieure	Woodson.
H. R. Green	Miller	Worcester
W. B. Green	Minshall	Mr. President.

Those voting in the negative, are,

Mr. Adams	Mr. Hayes	Mr. F. S. D. Marshall
Atherton	Hogue	Oliver
Blair	Jackson	Pinckney
Brockman	Jones	Rives
Dawson	Judd	Shields
Dunn	Kenner	Sibley
N. W. Edwards	A. R. Knapp	Singleton
Graham	Lasater	Swan
P. Green	Linley	Thompson
Grimshaw	Lockwood	Turner
Hay	Loudon	Vance.



Mr. McCallen moved that the rules be suspended, to enable him to offer a resolution to provide for the printing of one thousand copies of the revised constitution in the Irish and French languages.

The question was taken, by yeas and nays, on suspending the rules,

And decided in the negative,	{ Yeas,	:	:	:	:	46
	{ Nays,	:	:	:	:	85

Those voting in the affirmative, are,

Mr. Ballingall	Mr. Judd	Mr. Northcott
Bond	Knowlton	Norton
Brown	Knox	H. D. Palmer
Bunsen	Kreider	J. M. Palmer
T. Campbell	Lemon	Rives
Churchill	Linley	Rountree
Colby	Lockwood	Servant
Crain	Logan	Shumway
S. J. Cross	McCallen	Singleton
Dale	McCully	E. O. Smith
J. M. Davis	Markley	Stadden
Farwell	Mason	Swan
H. R. Green	Mieure	Thornton
Harding	Miller	Tuttle
Huston	Moore	Mr. President.
Jenkins		

Those voting in the negative, are,

Mr. Adams	Mr. Graham	Mr. Minshall
Akin	Geddes	Moffett
Allen	P. Green	Morris
Anderson	Gregg	Oliver
Archer	Grimshaw	Pace
Armstrong	Harlan	Peters
Atherton	Harper	Pinckney
Blair	Hatch	Powers
Blakely	Hawley	Pratt
Bosbyshell	Hay	Robbins
Brockman	Hayes	Robinson
J. M. Campbell	Heacock	Roman
Canady	Henderson	Shields
Carter	Hill	Sibley
Z. Casey	Hogue	Sim
Choate	Hunsaker	Simpson
Church	Hurlbut	Spencer
R. J. Cross	James	Thompson
Dawson	Jones	Turnbull
Deitz	Kenner	Turner
Dummer	S. Kinney	Vance
Dunlap	Kitchell	Vernor
Dunn	A. R. Knapp	Webber
Dunsmore	Lasater	Witt
Eccles	McClure	Whiteside
C. Edwards	McHatton	Whitney
N. W. Edwards	Manly	Woodson
Evey	F. S. D. Marshall	Worcester.
Frick	T. A. Marshall	



On motion of Mr. Logan,

The vote taken on the adoption of a resolution some days since, fixing the day of final adjournment, was reconsidered.

Mr. Logan moved to amend the resolution by striking out the words "twenty-fifth, and by inserting in lieu of them the word "thirtieth."

On motion,

The previous question was ordered.

Mr. Hurlbut called for a division, so as vote first on striking out.

The question was taken on striking out the words "twenty-fifth," and decided in the affirmative.

The question was taken, by yeas and nays, on inserting the word "thirtieth,"

And decided in the negative,	{ Yeas,	:	:	:	:	58
	{ Nays,	:	:	:	:	89

Those voting in the affirmative, are,

<b>Mr. Akin</b>	<b>Mr. Harvey</b>	<b>Mr. J. M. Palmer</b>
Allen	Hayes	Powers
Anderson	Hill	Pratt
Archer	Holmes	Robbins
Atherton	Hunsaker	Robinson
Blair	Jackson	Roman
Brockman	James	Shields
Bunsen	Jones	Shumway
Caldwell	Laughlin	Sim
Canady	Linley	J. Smith
Carter	Logan	Spencer
Z. Casey	McCully	Thornton
Choate	Manly	Trower
Church	Miller	Vance
Dale	Morris	Vernor
Dunlap	Nichols	Webber
Dunn	Oliver	Whitney
N. W. Edwards	Pace	Woodson
Frick	H. D. Palmer	Mr. President.
Harding		

Those voting in the negative, are,

<b>Mr. Adams</b>	<b>Mr. Dunsmore</b>	<b>Mr. Henderson</b>
Armstrong	Eccles	Hogue
Ballingall	C. Edwards	Hurlbut
Blakely	Evey	Huston
Bond	Farwell	Jenkins
Bosbyshell	Graham	Judd
Brown	Geddes	Kenner
J. M. Campbell	H. R. Green	S. Kinney
T. Campbell	P. Green	Kitchell
Churchill	W. B. Green	A. R. Knapp
Colby	Gregg	N. M. Knapp
Crain	Grimshaw	Knowlton
R. J. Cross	Harlan	Knox
S. J. Cross	Harper	Kreider
D. Davis	Hatch	Lander
J. M. Davis	Hawley	Lasater
Dawson	Hay	Lemon
Dummer	Heacock	Lockwood



Mr. Loudon  
McCallen  
McClure  
Markley  
F. S. D. Marshall  
T. A. Marshall  
Mason  
Mieure  
Minshall  
Moffett  
Moore  
Northcott

Mr. Norton  
Peters  
Pinckney  
Rives  
Rountree  
Servant  
Sibley  
Simpson  
Singleton  
E. O. Smith  
Stadden  
Swan

Mr. Thomas  
Thompson  
Turnbull  
Turner  
Tuttle  
Wead  
West  
Williams  
Witt  
Whiteside  
Worcester.

The question was taken on the adoption of the resolution as amended, and decided in the affirmative.

The rules having been temporarily suspended, Mr. Logan offered the following resolution:

*"Resolved*, that the president of the convention make out and file with the auditor his certificate of the pay due each member and officer of the convention, up to the thirtieth instant, inclusive; *Provided*, that the auditor issue no such warrants until that time."

Mr. Witt moved to lay the resolution on the table.

The question was taken, and decided in the negative.

The question was taken, and the resolution adopted.

On motion of Mr. R. J. Cross,

The vote adopting a resolution some days since, providing that members shall certify upon honor to the president the number of days they have been absent from the meetings of the convention, was reconsidered.

On motion of Mr. Witt,

The resolution was laid on the table.

Mr. Hayes moved that the rules be temporarily suspended, to enable him to introduce a resolution providing that hereafter no new business shall be introduced, &c.

The question was taken, and the convention refused to suspend the rules.

Mr. Geddes moved that the rules be suspended, to enable him to offer a resolution.

The question was taken, and the convention refused to suspend the rules.

The convention resumed the consideration of the report of the committee on the Organization of Townships, &c.

The question pending when the convention adjourned on yesterday, was on the motion made by Mr. Logan to reconsider the vote adopting the first section.

The question was taken, and decided in the affirmative.

Mr. Wead moved to amend the first section by inserting after the word "by," in the first line, the words "a general;" by striking out the word "other," in the second line, and inserting in lieu thereof the word "local;" and by adding at the end of the section the words "by a majority of the qualified electors of such county."

Mr. Woodson moved to lay the first section and the amendments thereon on the table.

The question was taken, and decided in the negative.



The question was taken on the adoption of the amendments, and decided in the affirmative.

Mr. Knowlton moved to strike out the first section, and insert in lieu thereof the following:

“The legislature shall provide by law that the legal voters of any county in this state may adopt a township form of government within each county by a majority of votes cast at any general election within said county.”

On motion of Mr. Witt,

The previous question was ordered.

The question was taken on the adoption of the substitute, and decided in the affirmative.

The question was taken, by yeas and nays, on the adoption of the first section as amended,

And decided in the affirmative,	{ Yeas,	:	:	:	:	87
	{ Nays,	:	:	:	:	52

Those voting in the affirmative, are,

Mr. Adams	Mr. H. R. Green	Mr. Mason
Anderson	P. Green	Miller
Armstrong	Gregg	Minshall
Atherton	Harding	Moffett
Ballingall	Harlan	Moore
Blakely	Harper	Morris
Bosbyshell	Hatch	Nichols
Brockman	Hawley	Northcott
Brown	Heacock	Norton
Bunsen	Henderson	Peters
Caldwell	Hill	Pinckney
J. M. Campbell	Hoes	Powers
T. Campbell	Hurlbut	Sibley
Carter	Huston	Sim
Choate	Jackson	J. Smith
Church	Judd	Spencer
Churchill	S. Kinney	Stadden
Colby	A. R. Knapp	Swan
R. J. Cross	N. M. Knapp	Thompson
Dale	Knowlton	Trower
D. Davis	Knox	Turner
Deitz	Kreider	Vance
Dummer	Laughlin	Wead
Dunn	Lockwood	Webber
Dunsmore	McClure	West
C. Edwards	McHatton	Williams
Farwell	Manly	Witt
Frick	Markley	Whiteside
Graham	T. A. Marshall	Worcester.
Geddes		

Those voting in the negative, are,

Mr. Akin	Mr. S. J. Cross	Mr. Hayes
Allen	J. M. Davis	Hogue
Archer	Dawson	Hunsaker
Blair	Dunlap	James
Bond	Eccles	Jenkins
Brockman	N. W. Edwards	Jones
Zadok Casey	Evey	Kenner
Crain	Harvey	Kitchell



Mr. Lander  
Lasater  
Lemon  
Logan  
Loudon  
McCallen  
McCully  
F. S. D. Marshall  
Mieure  
Oliver

Mr. Pace  
H. D. Palmer  
J. M. Palmer  
Rives  
Robbins  
Robinson  
Roman  
Shields  
Shumway

Mr. Simpson  
Singleton  
Thomas  
Thornton  
Tuttle  
Vernor  
Whitney  
Woodson  
Mr. President.

On motion of Mr. Hogue,

The vote taken on the adoption of the second section was reconsidered.

On motion of Mr. J. M. Davis,

The remainder of the report was laid on the table.

On motion of Mr. Caldwell,

The following proviso was adopted as an addition to the first section as amended:

"*Provided*, that the legislature may, by the consent of the state of Kentucky, provide for concurrent jurisdiction on the river Ohio as far as the same is a boundary of this state, or in the event the state of Kentucky shall consent that the jurisdiction of this state; shall extend to the middle or some other suitable line along said river as far as the same is a boundary of this state."

On motion of Mr. Hogue,

The first section as amended was referred to the committee on the Revision and Adjustment of the Articles of the Constitution.

On motion of Mr. McCallen,

The report of the committee on the Bill of Rights was taken from the table for consideration.

The question was taken on the adoption of the first section, and decided in the affirmative.

Mr. A. R. Knapp moved that the report be referred to a committee of the whole.

The question was taken, by yeas and nays,

And decided in the negative,	{ Yeas,	:	:	:	:	62
	{ Nays,	:	:	:	:	65

Those voting in the affirmative, are,

Mr. Adams  
Anderson  
Armstrong  
Blakely  
Bosbyshell  
Brockman  
Brown  
Church  
Churchill  
Colby  
Crain  
R. J. Cross  
S. J. Cross  
D. Davis  
J. M. Davis  
Deitz  
Dummer  
Dunsmore  
C. Edwards  
Geddes  
H. R. Green

Mr. P. Green  
Gregg  
Harding  
Harlan  
Hatch  
Heacock  
Henderson  
Hogue  
Judd  
S. Kinney  
A. R. Knapp  
N. M. Knapp  
Knowlton  
Lockwood  
Loudon  
McCallen  
McClure  
Mason  
Mieure  
Miller  
Minshall

Mr. Moore  
Northcott  
Norton  
H. D. Palmer  
J. M. Palmer  
Peters  
Rives  
Sibley  
Stadden  
Swan  
Thomas  
Thornton  
Turnbull  
Turner  
Tuttle  
Wead  
West  
Williams  
Whitney  
Mr. President.



Those voting in the negative, are,

Mr. Akin	Mr. Hunsaker	Mr. Nichols
Allen	Huston	Oliver
Atherton	Jackson	Robbins
Blair	James	Robinson
Bond	Jenkins	Roman
Bunsen	Jones	Rountree
Carter	Kenner	Sharpe
Z. Casey	Kitchell	Shields
Choate	Knox	Sim
Dale	Kreider	Simpson
Dawson	Lander	Singleton
Dunlap	Lasater	J. Smith
Dunn	Laughlin	Spencer
N. W. Edwards	Lemon	Trower
Evey	Logan	Vance
Frick	McCully	Vernor
Graham	McHatton	Webber
Harper	Manly	Witt
Harvey	F. S. D. Marshall	Whiteside
Hawley	T. A. Marshall	Woodson
Hayes	Moffett	Worcester.
Hill	Morris	

On motion,  
The convention adjourned until 3 o'clock, P. M.

### THREE O'CLOCK, P. M.

The convention assembled pursuant to adjournment.

On motion of Mr. J. M. Campbell,

A call of the convention was ordered.

The call having been proceeded in, the following gentlemen were found to be absent:

Messrs. Anderson, Archer, Bond, Brockman, Butler, Canady, Carter, F. S. Casey, Colby, T. G. C. Davis, Dement, Dunlap, Edmonson, Evey, Farwell, Grimshaw, Henderson, Hoes, Hurlbut, W. C. Kinney, N. M. Knapp, Loudon, Mason, Matheny, Miller, Moore, Pace, J. M. Palmer, Servant, Sherman, E. O. Smith, J. Smith, Vance, and West—32.

On motion,

Further proceedings under the call were dispensed with.

On motion of Mr. Thomas,

The vote on the adoption of the first section of the Bill of Rights was reconsidered:

The rules having been temporarily suspended,

On motion of Mr. C. Edwards,

The report of the committee on the Organization of Departments, &c. as adopted by the convention, was taken from the table and referred to the committee on the Revision and Adjustment of the Articles of the Constitution.

The convention resumed the consideration of the report of the committee on the Bill of Rights.



On motion of Mr. Thomas,

The 8th article of the constitution was substituted for consideration in lieu of the report.

On motion of Mr. N. W. Edwards,

Ordered, That the article be considered by sections.

The question was taken on the adoption of the first section, and decided in the affirmative.

Mr. Hayes moved to amend the second section by adding thereto the following:

“And they have the right at all times to alter, reform, or abolish their form of government, whenever the public good may require it.

Mr. Harvey moved to amend the amendment by adding thereto the words “in conformity to this constitution.”

The question was taken, and the amendment to the amendment rejected.

Mr. Kitchell offered the following as a substitute for the section and amendment.

“That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness, for the advancement of those ends they have an inalienable and indefeasible right to alter, reform or abolish the government in such manner as they may think proper.”

Mr. Hayes accepted the amendment as a modification of his own.

Mr. A. R. Knapp moved to substitute for the amendment the following:

“All political power is inherent in the people, and government is instituted for the protection, security, and benefit of the people, and they have the right at all times to alter or reform the same whenever the public good may require it.”

The question was taken, by yeas and nays, on the adoption of the substitute proposed by Mr. A. R. Knapp,

And decided in the negative,	{ Yeas,	:	:	:	59
	{ Nays,	:	:	:	73

Those voting in the affirmative, are,

Mr. Adams	Mr. Hunsaker	Mr. Northcott
Anderson	Hurlbut	Norton
Atherton	Jackson	Rives
Bond	Jones	Roman
Church	Judd	Rountree
R. J. Cross	Kenner	Shields
D. Davis	S. Kinney	Sim
J. M. Davis	A. R. Knapp	Spencer
Deitz	N. M. Knapp	Swan
Dummer	Knowlton	Thomas
Dunsmore	Knox	Thornton
Eccles	Lander	Trower
Geddes	Lemon	Turnbull
H. R. Green	Lockwood	Vance
Grimshaw	Logan	Webber
Harding	F. S. D. Marshall	West
Harper	T. A. Marshall	Williams
Harvey	Mieure	Whitney
Heacock	Minshall	Woodson.
Hill	Moffett	



Those voting in the negative, are,

Mr. Allen	Mr. Frick	Mr. Miller
Armstrong	Graham	Moore
Ballingall	P. Green	Morris
Blair	Gregg	Nichols
Blakely	Hatch	Oliver
Bosbyshell	Hawley	Pace
Brockman	Hay	J. M. Palmer
Brown	Hayes	Peters
Bunsen	Henderson	Powers
Caldwell	Hogue	Pratt
J. M. Campbell	Huston	Robbins
T. Campbell	James	Robinson
Carter	Jenkins	Scates
Z. Casey	Kitchell	Shumway
Choate	Kreider	Simpson
Churchill	Lasater	Stadden
Colby	Laughlin	Thompson
Crain	Linley	Turner
S. J. Cross	McCallen	Vernor
Dale	McCully	Wead
Dunn	McClure	Witt
C. Edwards	McHatton	Whiteside
N. W. Edwards	Markley	Worcester
Evey	Mason	Mr. President.
Farwell		

The question was taken, by yeas and nays, on the adoption of the substitute proposed by Mr. Hayes,

And decided in the negative,	{ Yeas,	:	:	:	:	:	57
	{ Nays,	:	:	:	:	:	75

Those voting in the affirmative, are,

Mr. Akin	Mr. Farwell	Mr. McCully
Allen	Frick	McClure
Armstrong	H. R. Green	McHatton
Ballingall	Gregg	Markley
Blakely	Hatch	Moore,
Bosbyshell	Hawley	Morris
Brockman	Hayes	Nichols
Caldwell	Heacock	Oliver
J. M. Campbell	Henderson	Pace
Carter	Hogue	J. M. Palmer
Z. Casey	Huston	Servant
Choate	James	Shumway
Churchill	Jenkins	Stadden
Colby	Kitchell	Thompson
Crain	Kreider	Wead
S. J. Cross	Lasater	Webber
Dale	Laughlin	Whiteside
N. W. Edwards,	Linley	Worcester
Evey	McCallen	Mr. President.



Those who voted in the negative, are,

Mr. Adams  
Anderson  
Atherton  
Blair  
Bond  
Brown  
Bunsen  
Church  
D. Davis  
J. M. Davis  
Deitz  
Dummer  
Dunn  
Dunsmore  
Eccles  
C. Edwards  
Graham  
Geddes  
P. Green  
Grimshaw  
Harding  
Harlan  
Harper  
Harvey  
Hay



Mr. Hill  
Hunsaker  
Hurlbut  
Jones  
Judd  
Kenner  
S. Kinney  
A. R. Knapp  
N. M. Knapp  
Knowlton  
Knox  
Lander  
Lemon  
Lockwood  
Logan  
F. S. D. Marshall  
T. A. Marshall  
Mason  
Mieure  
Miller  
Minshall  
Moffett  
Northcott  
Norton  
Peters

Mr. Pinckney  
Powers  
Rives  
Robbins  
Robinson  
Roman  
Rountree  
Shields  
Sim  
Simpson  
Spencer  
Swan  
Thomas  
Thornton  
Trower  
Turnbull  
Turner  
Tuttle  
Vance  
Vernor  
West  
Witt  
Whitney  
Woodson.

The question was taken, and the second section adopted.

On motion,

The convention adjourned until Monday morning, 8 o'clock.

### MONDAY, AUGUST 23, 1847.

The convention assembled pursuant to adjournment.

Prayer by Rev. H. D. Palmer, a member.

The journal of Saturday was read.

The rules having been temporarily suspended,

Mr. Dale presented the petition of James Stafford and thirty-two others, citizens of the state of Illinois, praying that the office of superintendent of common schools may be created by the amended constitution; which petition was,

On motion,

Laid on the table.

Mr. Hay moved that the rules be temporarily suspended to enable him to offer a resolution.

The question was taken, and the convention refused to suspend the rules.

The convention resumed the consideration of the 8th article of the present constitution.

The question was taken on the adoption of the third section, and decided in the affirmative.

Mr. Ballingall proposed the following as a substitute for the 4th section:



"No religious test shall be required as a qualification for any office or public trust, and no person shall be deprived of any of his rights, privileges, or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion."

On motion of Mr. Geddes,

The substitute was laid on the table,	{ Yeas, . . .	92
	{ Nays, . . .	43

Those voting in the affirmative, are,

Mr. Adams	Mr. Heacock	Mr. Morris
Akin	Hill	Nichols
Anderson	Hunsaker	Northcott
Atherton	Hurlbut	Norton
Blair	Huston	Oliver
Bond	Jackson	H. D. Palmer
Bosbyshell	James	Peters
Canady	Jenkins	Pinckney
Z. Casey	Jones	Rives
Constable	Judd	Robinson
Crain	Kitchell	Rountree
D. Davis	A. R. Knapp	Scates
J. M. Davis	N. M. Knapp	Servant
Deitz	Knox	Sibley
Dummer	Lander	Sim
Dunn	Lasater	Singleton
Dunsmore	Laughlin	J. Smith
Eccles	Lemon	Spencer
C. Edwards	Lockwood	Swan
N. W. Edwards	Loudon	Thomas
Evey	McCallen	Thompson
Graham	McCully	Turnbull
Geddes	McHatton	Vance
H. R. Green	Manly	Vernor
Grimshaw	Markley	West
Harding	F. S. D. Marshall	Williams
Harlan	Mason	Witt
Harper	Mieure	Whiteside
Harvey	Miller	Woodson
Hawley	Moffett	Mr. President.
Hay	Moore	

Those voting in the negative, are,

Mr. Allen	Mr. Farwell	Mr. Powers
Archer	Frick	Pratt
Armstrong	Gregg	Robbins
Ballingall	Hatch	Roman
Blakely	Henderson	Shields
Brockman	Hogue	Shumway
Bunsen	Holmes	Simpson
J. M. Campbell	S. Kinney	Stadden
Carter	Kreider	Thornton
Choate	Linley	Turner
Church	McClure	Tutt
Churchill	T. A. Marshall	Tuttle
Colby	Minshall	Whitney
R. J. Cross	J. M. Palmer	Worcester.
Dale		



Mr. Thornton proposed to amend the fourth section by adding the following:

"And that the civil rights, privileges, or capacities of any citizen shall in nowise be diminished or enlarged on account of his religion."

Mr. Jenkins proposed the following as a substitute for the amendment:

"No person who shall deny the being of a God, or who shall hold religious principles incompatible with the freedom or safety of the state, shall be capable of holding any office or place of trust or profit, in the civil department of this state."

The question was taken, and the substitute rejected.

Mr. Eccles proposed the following as a substitute for the amendment:

"No person denying the existence of a supreme being or a future state of rewards and punishments, shall be a competent witness in any case in this state."

Mr. Constable moved to lay the substitute and amendment on the table.

Mr. Geddes moved the previous question.

The question was taken on Mr. Constable's motion, and decided in the affirmative.

The question was taken on the adoption of the fourth section, and decided in the affirmative.

Mr. Bond proposed the following as an additional section:

"The legislature shall, at its first session under the amended constitution, pass such laws as will effectually prohibit free persons of color from immigrating to and settling in this state; and to effectually prevent the owners of slaves, or any other person, from the introduction of slaves into this state for the purpose of setting them free; *Provided*, that when this constitution is submitted to the people of this state for their adoption or rejection, the foregoing shall be voted on separately as a section of said constitution, and if a majority of all the votes cast for and against the same shall be for its adoption, then and in that case the same shall form a section of the new constitution, but if a majority shall be against its adoption, then the same shall be rejected."

Mr. Singleton moved the following as substitute for the additional section:

"No negro or mulatto shall hereafter be permitted to acquire and exercise any civil or political rights or residence within this state. And the migration or introduction of all persons usually denominated negroes or mulattoes into the state, is hereby forever prohibited. And the legislature shall, at their first session, provide such adequate penalties as will secure the fullest operation of the foregoing provisions. This section to be submitted to the people for their ratification or rejection, and to be voted upon as a separate section, and if more votes are cast for its adoption than against it, it shall become a part of the constitution of this state."

Mr. Pratt moved the previous question.

The question was taken, by yeas and nays,

And decided in the negative,	{ Yeas,	:	:	:	:	59
	{ Nays,	:	:	:	:	76



Those voting in the affirmative, are,

Mr. Akin	Mr. Hunsaker	Mr. Moffett
Allen	Hurlbut	Moore
Anderson	Huston	Oliver
Archer	Jackson	Pace
Atherton	James	H. D. Palmer
Ballingall	Judd	J. M. Palmer
Blakely	Kenner	Powers
Bond	Kitchell	Pratt
Brown	Kreider	Robinson
Bunsen	Lasater	Roman
Caldwell	Lemon	Rountree
Carter	Linley	Scates
Z. Casey	Loudon	Shields
Choate	McCully	Sim
Colby	McHatton	Simpson
Dunn	Manly	J. Smith
Evey	Markley	Spencer
Hawley	T. A. Marshall	Tutt
Hay	Miller	Vernor
Hayes	Minshall	Woodson.
Hill		

Those voting in the negative, are,

Mr. Adams	Mr. Gregg	Mr. Mieure
Armstrong	Harding	Morris
Bosbyshell	Harlan	Northcott
Brockman	Harper	Norton
J. M. Campbell	Harvey	Peters
T. Campbell	Hatch	Pinckney
Canaday	Heacock	Rives
Church	Henderson	Servant
Churchill	Hoes	Shumway
Crain	Hogue	Sibley
R. J. Cross	Holmes	Singleton
S. J. Cross	Jenkins	Stadden
Dale	Jones	Swan
D. Davis	A. R. Knapp	Thomas
J. M. Davis	N. M. Knapp	Thornton
Dawson	Knowlton	Turnbull
Deitz	Knox	Turner
Dummer	Lander	Tuttle
Dunsmore	Laughlin	Vance
Eccles	Lockwood	Wead
C. Edwards	Logan	Webber
N. W. Edwards	McCallen	West
Graham	McClure	Whiteside
Geddes	F. S. D. Marshall	Whitney
H. R. Green	Mason	Mr. President.
W. B. Green		

On motion of Mr. Morris,

The main question was ordered.

Mr. Logan moved that the convention adjourn until 3 o'clock, P. M.

The question was taken, and decided in the negative.

The question was taken, by yeas and nays, on the adoption of the substitute,

And decided in the negative,	{ Yeas,	:	:	:	:	14
	{ Nays,	:	:	:	:	127



Those voting in the affirmative, are,

Mr. Atherton  
Brockman  
J. M. Campbell  
Evey  
Geddes

Mr. Hayes  
Hogue  
Huston  
Linley  
Miller

Mr. Morris  
Oliver  
Robinson  
Singleton.

Those voting in the negative, are,

Mr. Adams  
Akin  
Allen  
Anderson  
Archer  
Armstrong  
Ballingall  
Blair  
Blakely  
Bond  
Brown  
Bunsen  
Caldwell  
Canaday  
Carter  
Z. Casey  
Choate  
Church  
Churchill  
Colby  
Constable  
Crain  
R. J. Cross  
S. J. Cross  
Dale  
D. Davis  
J. M. Davis  
Dawson  
Deitz  
Dummer  
Dunn  
Dunsmore  
Eccles  
C. Edwards  
N. W. Edwards  
Farwell  
Graham  
H. R. Green  
Gregg  
Grimshaw  
Harding  
Harlan  
Harper

Mr. Harvey  
Hatch  
Hawley  
Hay  
Heacock  
Henderson  
Hoes  
Holmes  
Hunsaker  
Hurlbut  
Jackson  
James  
Jenkins  
Jones  
Judd  
Kenner  
Kitchell  
A. R. Knapp  
N. M. Knapp  
Knowlton  
Knox  
Kreider  
Lander  
Lasater  
Laughlin  
Lemon  
Lockwood  
Logan  
Loudon  
McCallen  
McCully  
McClure  
McHatton  
Manly  
Markley  
F. S. D. Marshall  
T. A. Marshall  
Mason  
Mieure  
Minshall  
Moffett  
Moore

Mr. Nichols  
Northcott  
Norton  
Pace  
H. D. Palmer  
J. M. Palmer  
Peters  
Pratt  
Rives  
Robbins  
Roman  
Rountree  
Scates  
Servant  
Shields  
Shumway  
Sibley  
Sim  
J. Smith  
Spencer  
Stadden  
Swan  
Thomas  
Thompson  
Thornton  
Trower  
Turnbull  
Turner  
Tutt  
Tuttle  
Vance  
Vernor  
Wead  
Webber  
West  
Williams  
Witt  
Whiteside  
Whitney  
Woodson  
Worcester  
Mr. President.

The question was taken, by yeas and nays, on the adoption of the additional section,

And decided in the affirmative,	{ Yeas,	:	:	:	:	87
	{ Nays,	:	:	:	:	56



Those voting in the affirmative, are,

Mr. Akin	Mr. H. R. Green	Mr. Morris
Allen	Harlan	Nichols
Anderson	Hatch	Oliver
Archer	Hawley	Pace
Armstrong	Hayes	J. M. Palmer
Atherton	Hoes	Pratt
Ballingall	Hogue	Rives
Blair	Holmes	Robbins
Blakely	Hunsaker	Robinson
Bond	Huston	Roman
Brockman	James	Rountree
Brown	Jenkins	Scates
Bunsen	Jones	Servant
Caldwell	Kitchell	Shields
J. M. Campbell	Kreider	Shumway
Carter	Lander	Sim
Z. Casey	Lasater	Simpson
Choate	Laughlin	J. Smith
Crain	Lemon	Stadden
S. J. Cross	Linley	Thornton
Dale	Loudon	Trower
J. M. Davis	McCallen	Tutt
Dunn	McCully	Vernor
Eccles	McHatton	Wead
C. Edwards	Manly	West
Evey	Markley	Witt
Farwell	T. A. Marshall	Whiteside
Graham	Moffett	Woodson
Geddes	Moore	Mr. President.

Those voting in the negative, are,

Mr. Adams	Mr. Henderson	Mr. Norton
Canaday	Hurlbut	H. D. Palmer
Church	Jackson	Peters
Churchill	Judd	Pinckney
Constable	Kenner	Powers
R. J. Cross	A. R. Knapp	Sibley
D. Davis	N. M. Knapp	Singleton
Dawson	Knowlton	Swan
Deitz	Knox	Thomas
Dummer	Lockwood	Thompson
Dunsmore	Logan	Turnbull
N. W. Edwards	McClure	Turner
Gregg	F. S. D. Marshall	Tuttle
Grimshaw	Mason	Vance
Harding	Mieure	Webber
Harper	Miller	Williams
Harvey	Minshall	Whitney
Hay	Northcott	Worcester.
Heacock		

On motion,

The convention adjourned to 3 o'clock, P. M.



THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

The question was taken on the adoption of the fifth section, as amended by the additional section agreed to this morning, and decided in the affirmative.

Mr. Swan offered the following as an amendment to the 6th section:

"The legislature shall pass no law, nor shall any law be in force, after the adoption of this constitution, that shall prohibit the citizens of this state from feeding the hungry, or clothing the naked, or restrain them exercising the common principles of philanthropy, or dictates of humanity. Nor shall any law remain in force that recognizes the principle that a person of color is presumed to be a slave until he has proved himself to be free, or that prescribes whipping as a punishment for offences. But the legislature shall provide by law for the support of schools for the education of colored children, and shall adopt such other measures as they may deem expedient for the benefit and improvement of colored persons in this state."

On motion of Mr. McCallen,

The amendment was laid on the table,	{ Yeas,	.	.	.	99
	{ Nays,	.	.	.	27

Those voting in the affirmative, are,

Mr. Akin	Mr. Harvey	Mr. Moffett
Allen	Hawley	Moore
Anderson	Hay	Morris
Armstrong	Hayes	Northcott
Atherton	Henderson	Oliver
Ballingall	Hill	Pace
Blair	Hogue	J. M. Palmer
Blakely	Holmes	Peters
Bond	Hunsaker	Powers
Bosbyshell	James	Rives
Brockman	Jones	Robbins
Brown	Kenner	Robinson
Bunsen	W. C. Kinney	Roman
Caldwell	Kitchell	Rountree
T. Campbell	A. R. Knapp	Scates
Canady	N. M. Knapp	Shields
Carter	Knowlton	Shumway
Z. Casey	Knox	Sim
S. J. Cross	Kreider	Singleton
Dale	Lander	Stadden
J. M. Davis	Lasater	Thomas
Dawson	Laughlin	Thornton
Dummer	Lemon	Trower
Eccles	Loudon	Tutt
C. Edwards	McCallen	Vernor
N. W. Edwards	McCully	Wead
Evey	McClure	West
Frick	McHatton	Williams
Graham	Manly	Witt
Geddes	Markley	Whiteside
H. R. Green	F. S. D. Marshall	Woodson]
Harding	T. A. Marshall	Worcester
Harlan	Mieure	Mr. President.
Harper	Minshall	



Those voting in the negative, are,

Mr. Adams	Mr. Jackson	Mr. Pratt
Church	Judd	Sibley
Churchill	Lockwood	Spencer
Colby	Logan	Swan
R. J. Cross	Mason	Thompson
Deitz	Nichols	Turnbull
Heacock	Norton	Turner
Hurlbut	H. D. Palmer	Vance
Huston	Pinckney	Whitney.

Mr. Church moved the following as an amendment to the seventh section:

“The legislature shall pass no law preventing any citizen of any one of the United States from emigrating to or settling within this state.”

On motion of Mr. Akin,

The amendment was laid on the table,	{ Yeas,	. . . . .	89
	{ Nays,	. . . . .	49

Those voting in the affirmative, are,

Mr. Akin	Mr. Harding	Mr. Moffett
Allen	Harlan	Moore
Anderson	Harper	Morris
Archer	Harvey	Oliver
Atherton	Hay	Pace
Bailingall	Hayes	Rives
Blair	Hill	Robbins
Blakely	Hogue	Robinson
Bond	Holmes	Roman
Bosbyshell	Hunsaker	Rountree
Brockman	Huston	Scates
Bunsen	Jackson	Servant
Caldwell	James	Shields
J. M. Campbell	Jones	Shumway
T. Campbell	W. C. Kinney	Sim
Carter	Knox	Simpson
Z. Casey	Kreider	Singleton
Choate	Lander	J. Smith
Dale	Lasater	Stadden
J. M. Davis	Lemon	Thomas
Dawson	Loudon	Thornton
Dummer	McCallen	Tutt
Dunn	McCully	Vance
Dunsmore	McClure	Vernor
C. Edwards	McHatton	Wead
N. W. Edwards	Manly	Williams
Evey	Markley	Witt
Graham	T. A. Marshall	Woodson
Geddes	Mieure	Mr. President.
P. Green	Minshall	

Those voting in the negative, are,

Mr. Adams	Mr. R. J. Cross	Mr. H. R. Green
Armstrong	S. J. Cross	Gregg
Brown	D. Davis	Heacock
Church	Deitz	Henderson
Churchill	Eccles	Hoes
Colby	Frick	Hurlbut



Judd  
Kenner  
Kitchell  
A. R. Knapp  
N. M. Knapp  
Knowlton  
Laughlin  
Lockwood  
Logan  
F. S. D. Marshall  
Mason

Mr. Nichols  
Northcott  
Norton  
H. D. Palmer  
J. M. Palmer  
Peters  
Pinckney  
Pratt  
Sibley  
Spencer

Mr. Swan  
Thompson  
Trower  
Turnbull  
Turner  
Tuttle  
West  
Whiteside  
Whitney  
Worcester.

Mr. Whitney offered the following as a substitute for the sixth section:  
"Trial by jury shall be allowed in all suits at law, but a jury trial may be waived by the parties in all civil cases, in the manner prescribed by law."

The question was taken, and the substitute rejected.

The question was consecutively taken on the adoption of the 6th and 7th sections, and decided in the affirmative.

Mr. R. J. Cross moved to amend the 8th section by striking out the word "freeman," and inserting in lieu thereof the word "person."

A division was called for, so as to vote first on striking out.

The question was taken, by yeas and nays, on striking out,

And decided in the negative,	{ Yeas,	:	:	:	:	26
	{ Nays,	:	:	:	:	100

Those voting in the affirmative, are,

Adams  
Church  
Churchill  
R. J. Cross  
D. Davis  
Deitz  
Dummer  
C. Edwards  
Graham

Mr. Harding  
Harper  
Hurlbut  
Jackson  
Judd  
Logan  
Mason  
Norton  
Peters

Mr. Pinckney  
Sibley  
Swan  
Thompson  
Trower  
Turnbull  
West  
Whitney.

Those voting in the negative, are,

Akin  
Allen  
Archer  
Armstrong  
Atherton  
Ballingall  
Blair  
Blakely  
Bosbyshell  
Brockman  
Brown  
Bunsen  
Caldwell  
J. M. Campbell  
T. Campbell  
Canady  
Carter  
Z. Casey

Mr. Choate  
Constable  
S. J. Cross  
Dale  
Dawson  
Dunn  
Dunsmore  
Eccles  
N. W. Edwards  
Evey  
Frick  
Geddes  
H. R. Green  
P. Green  
Gregg  
Harlan  
Harvey  
Hatch

Mr. Hawley  
Hay  
Hayes  
Henderson  
Hill  
Hogue  
Hunsaker  
Huston  
James  
Jones  
Kenner  
Kitchell  
A. R. Knapp  
Knowlton  
Knox  
Kreider  
Lander  
Lasater



Mr. Laughlin  
Lemon  
Lockwood  
McCallen  
McCully  
McClure  
McHatton  
Manly  
Markley  
F. S. D. Marshall  
T. A. Marshall  
Mieure  
Minshall  
Moffett  
Moore  
Nichols

Mr. Northcott  
Oliver  
Pace  
H. D. Palmer  
J. M. Palmer  
Pratt  
Rives  
Robbins  
Robinson  
Roman  
Rountree  
Scates  
Servant  
Shields  
Shumway

Mr. Sim  
Simpson  
Singleton  
Spencer  
Stadden  
Thornton  
Tutt  
Tuttle  
Vance  
Vernor  
Witt  
Whiteside  
Woodson  
Worcester  
Mr. President.

Mr. Kitchell moved to amend the 8th section by striking out all the word "land," in the third line.

Mr. Whiteside moved to amend the motion by inserting in lieu of part proposed to be stricken out, the following:

"And all public grounds, streets, and alleys laid upon and recorded any city, town, hamlet, or village plat shall remain common to the inhabitants thereof; unless by the unanimous will of those interested there the said plat may be altered, amended, or abolished."

On motion of Mr. Constable,

The amendment to the amendment was laid on the table.

The question was taken on the amendment proposed by Mr. Kitchell and decided in the affirmative.

The question was taken on the adoption of the 8th section, and decided in the affirmative.

On motion of Mr. Sim,

The 9th section was amended by striking out the word "vicinage," the fourth line, and by inserting in lieu thereof the words "county district wherein the offence shall have been committed, which county district shall have been previously ascertained by law."

Mr. Kitchell moved to amend the 9th section by inserting after word "favor," the words "but no person ought to be detained, required to give bail, or compelled to attend as a witness without just compensation," and also to insert after the word "information" the words "accused hath a right to."

On motion of Mr. Constable,

The amendment was laid on the table.

Mr. Hawley moved to amend the same section by inserting after word "him," in the second line, the words "and to have a copy thereof."

The question was taken, and the amendment rejected.

The question was taken, and the 9th section, as amended, adopted.

On motion of Mr. Lockwood,

The following was substituted in lieu of the 10th section:

"No person shall be held to answer for a criminal offence unless on presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army and navy, or in the militia when in actual service in time of war or public danger; *Provided*, that justices of the peace shall try no per-



cept as a court of inquiry, for any offence punishable with imprisonment or death, or fine above \$100."

The question was taken on the adoption of the 10th section, as amended and decided in the affirmative.

Mr. Kitchell offered the following as an amendment to the 11th section:

That no person ought to be detained or required to attend as witness in any cause without just compensation, nor shall any man's particular services be demanded, or property taken or applied to public use without compensation, and in accordance with law."

On motion of Mr. Constable,

The amendment was laid on the table,      { Yeas,      .      .      81  
   { Nays,      .      .      40

Those voting in the affirmative, are,

Akin	Mr. Harlan	Mr. Minshall
Allen	Harper	Moffett
Armstrong	Hayes	Northcott
Atherton	Henderson	Oliver
Bond	Hill	J. M. Palmer
Brown	Hoes	Peters
Caldwell	Holmes	Powers
Canady	Hunsaker	Rives
Carter	Huston	Robinson
Z. Casey	Jackson	Scates
Church	James	Shields
Constable	Jones	Sim
R. J. Cross	A. R. Knapp	Simpson
Dale	N. M. Knapp	J. Smith
D. Davis	Knowlton	Stadden
J. M. Davis	Knox	Swan
Dawson	Kreider	Thomas
Deitz	Lasater	Thornton
Dummer	Lemon	Turnbull
Dunsmore	Logan	Turner
Eccles	McCully	Tuttle
C. Edwards	McClure	Vance
N. W. Edwards	McHatton	Webber
Frick	Manly	Witt
H. R. Green	Markley	Whiteside
P. Green	F. S. D. Marshall	Woodson
Grimshaw	T. A. Marshall	Worcester.

Those voting in the negative, are,

Archer	Mr. Hatch	Mr. Morris
Ballingall	Hawley	Nichols
Brockman	Hay	Rountree
Bunsen	Hogue	Servant
J. M. Campbell	Hurlbut	Shumway
T. Campbell	Kenner	Sibley
Choate	Kitchell	Spencer
Churchill	Lander	Tutt
Colby	Laughlin	Vernor
Evey	Lockwood	Wead
Farwell	McCallen	West
Graham	Mieure	Williams
Geddes	Moore	Mr. President.
W. B. Green		



On motion of Mr. Kitchell,

The 11th section was amended by adding thereto the following:

"And the legislature shall make provision by law for the payment of witnesses in criminal cases, where they are required to attend courts of their own counties."

On motion of Mr. D. Davis,

The last vote was reconsidered.

On motion of Mr. Harvey,

The amendment was laid on the table.

The questions were taken consecutively on the adoption of the 11th, 12th, and 13th sections, and decided in the affirmative.

Mr. McCallen moved to amend the 14th section by inserting after the word "offence," in the first line, the words "punishment by death shall in no case be inflicted."

Mr. Hayes moved to substitute for the amendment the words "therefore punishment by death shall not be inflicted."

Mr. J. M. Campbell moved to lay the amendment and the amendment thereto on the table.

Mr. Kenner called for a division of the question.

The question was taken, and the convention refused to order the division.

The question was taken, by yeas and nays, on laying the amendment and the amendment thereto on the table,

And decided in the affirmative,	{ Yeas,	:	:	:	:	83
	{ Nays,	:	:	:	:	49

Those voting in the affirmative, are,

Mr. Akin	Mr. Harper	Mr. Mieux
Allen	Harvey	Moffett
Anderson	Hatch	Moore
Archer	Hawley	Morris
Armstrong	Heacock	Northcott
Atherton	Hoes	Norton
Blair	Hunsaker	Oliver
Bosbyshell	Jackson	Pace
Brown	Jones	H. D. Palmer
J. M. Campbell	Kitchell	J. M. Palmer
T. Campbell	A. R. Knapp	Peters
Zadok Casey	N. M. Knapp	Rives
Choate	Knox	Robinson
Colby	Kreider	Rountree
R. J. Cross	Lander	Shields
S. J. Cross	Lasater	Shumway
Dale	Laughlin	Simpson
J. M. Davis	Lemon	E. O. Smith
Dawson	Lockwood	Spencer
Dummer	Logan	Swan
Dunn	McCully	Thompson
Dunsmore	McClure	Vance
Eccles	McHatton	Vernor
N. W. Edwards	Manly	West
Frick	Markley	Witt
Grimshaw	F. S. D. Marshall	Woodson
Harding	T. A. Marshall	Mr. President.
Harlan	Mason	



Those voting in the negative, are,

Mr. Ballingall	Mr. Hay	Mr. Roman
Bond	Hayes	Scates
Brockman	Henderson	Servant
Bunsen	Hill	Sibley
Caldwell	Hurlbut	Sim
Canady	Huston	Stadden
Carter	James	Thornton
Church	Judd	Trower
Churchill	Kenner	Turner
Constable	W. C. Kinney	Tutt
C. Edwards	McCallen	Tuttle
Evey	Miller	Wead
Farwell	Minshall	Webber
Graham	Nichols	Williams
Geddes	Pinckney	Whiteside
P. Green	Robbins	Worcester.
W. B. Green		

On motion of Mr. Harvey,

The 15th section was amended by adding thereto the following:

"SEC. —. There shall be neither slavery nor involuntary servitude in this state, except as a punishment for crime, whereof the party shall have been duly convicted."

Mr. Caldwell moved to amend the 15th section by striking out the words "or in cases where there is strong presumption of fraud."

The question was taken, and the amendment rejected.

The question was taken, and the 15th section, as amended, adopted.

Mr. West moved to amend the 16th section by inserting after the word "made," at the end of the first line, and to insert before the word "and," at the beginning of the second line, the words "nor any law depriving a party of any remedy for enforcing a contract which existed when the contract was made."

Mr. Witt moved to lay the amendment on the table.

The question was taken, and decided in the negative.

Mr. Williams offered the following as a substitute for the amendment:

"No person shall be deprived of a remedy in cases of wrongs or injuries to person or property."

The question was taken, and the substitute rejected.

The question was taken on the adoption of the amendment proposed by Mr. West, and decided in the negative.

On motion of Mr. Logan,

The 16th section was amended by striking out the word "validity," and inserting in lieu thereof the word "obligation."

Mr. Williams offered the following amendment:

"SEC. —. The general assembly shall pass no law whereby any free-man shall be deprived of his life, liberty, property or franchises without trial and judgment or decree in some usual or regular judicial tribunal; *Provided*, that persons and property shall be subject to arrest and seizure for purposes of trial, judgment or decree; *Provided, further*, that this section shall not apply to laws for the collection of taxes, nor to laws providing for taking private property for public use."

Mr. D. Davis moved that the convention adjourn.



The question was taken, and decided in the negative.

Mr. N. W. Edwards offered the following as a proviso to the amendment:

"*Provided*, nothing herein shall be intended to disturb the ancient and established jurisdiction of the courts and modes of trial and summary jurisdiction, known and in use before the adoption of this constitution."

Which proviso Mr. Williams accepted as a modification.

On motion,

The convention adjourned.

## TUESDAY, AUGUST 24, 1847.

The convention met pursuant to adjournment.

Prayer by the Rev. Mr. Bailey.

The journal of yesterday was read.

The convention resumed the consideration of the 8th article of the old constitution, as substituted for the report of the committee on the Bill of Rights.

The question pending when the convention adjourned on yesterday, was on the amendment offered by Mr. Williams to the 16th section.

Mr. Whiteside moved to amend the amendment, as modified, by adding thereto the following:

"*Provided further*, that it shall not extend to cases of fugitives from labor."

Mr. Harvey moved to lay the amendment, as modified, with the amendment thereto, on the table.

The question was taken, and decided in the negative.

The question was taken, by yeas and nays, on the adoption of the amendment, as proposed by Mr. Whiteside,

And decided in the affirmative,	{ Yeas,	:	:	:	:	73
	{ Nays,	:	:	:	:	58

Those voting in the affirmative, are,

Mr. Akin  
Archer  
Armstrong  
Atherton  
Ballingall  
Blair  
Blakely  
Bosbyshell  
Brockman  
Bunsen  
Caldwell  
J. M. Campbell  
Carter  
Z. Casey  
Choate  
Crain  
Dunlap  
Dunn  
Dunsmore

Mr. Eccles  
Evey  
Frick  
P. Green  
Grimshaw  
Harvey  
Hatch  
Henderson  
Hogue  
Hunsaker  
Huston  
James  
Jenkins  
W. C. Kinney  
Kitchell  
N. M. Knapp  
Kreider  
Lasater

Mr. Laughlin  
Lemon  
Linley  
McCallen  
McCully  
McClure  
McHatton  
Manly  
Markley  
Mieure  
Moffett  
Moore  
Nichols  
Oliver  
Pace  
Pratt  
Robbins  
Robinson



Mr. Roman  
Rountree  
Scates  
Shields  
Shumway  
Sim

Mr. Simpson  
J. Smith  
Thornton  
Trower  
Tutt  
Vernor

Mr. Webber  
Williams  
Witt  
Whiteside  
Worcester  
Mr. President.

Those voting in the negative, are,

Mr. Adams  
Anderson  
Brown  
T. Campbell  
Canaday  
Choate  
Church  
Churchill  
Coiby  
R. J. Cross  
Dale  
D. Davis  
J. M. Davis  
Dawson  
Deitz  
Dummer  
N. W. Edwards  
Graham  
Geddes  
H. R. Green

Mr. W. B. Green  
Harding  
Harlan  
Harper  
Hay  
Heacock  
Hurlbut  
Jackson  
Jones  
Judd  
Kenner  
S. Kinney  
Knowlton  
Knox  
Lander  
Lockwood  
Logan  
F. S. D. Marshall  
T. A. Marshall  
Mason

Mr. Miller  
Minshall  
Morris  
Northcott  
Norton  
H. D. Palmer  
Peters  
Rives  
Sibley  
E. O. Smith  
Spencer  
Stadden  
Swan  
Thompson  
Turnbull  
Turner  
Tuttle  
Vance  
Whitney.

Mr. Harvey moved to add the following to the amendment, as modified:

*"And provided further, that the foregoing shall not prevent the sale of perishable property before judgment in attachment, in cases prescribed by law."*

Mr. Turnbull moved to lay the amendment to the amendment on the table.

The question was taken, and decided in the negative.

The question was taken, and the amendment to the amendment agreed to.

Mr. N. M. Knapp moved to add the following proviso to the amendment as modified:

*"And provided further, that this section shall not be construed to interfere with the recovery of fugitives from justice under requisitions of the executives of other states."*

On motion of Mr. Williams,

The amendment, as modified, with the proviso were laid on the table.

Mr. Brown offered the following as an amendment to the 16th section:

*"Sec. — If any person shall hereafter challenge another to fight a duel, with any deadly weapon, or in any manner whatever, the probable issue of which might result in the death of either of the parties; or if any person shall accept a challenge, or otherwise agree to fight a duel, or who shall be the bearer of a challenge or an acceptance of a challenge, whether the same be verbal or written, knowing the same to be such; or if any person shall be present at the fighting of any duel as aforesaid, as the second or aid of either party, every person so offending shall thereafter be rendered*



incapable of holding or being elected to any office of honor, profit, or trust, either civil or military, under the government of this state."

Mr. Grimshaw offered the following as a substitute for the amendment:

"Any person who shall, after the adoption of this constitution, fight a duel, or send or accept a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this state, and shall be punished otherwise in such manner as is or may be prescribed by law."

Mr. Whiteside moved to lay the amendment and substitute on the table.

The question was taken, by yeas and nays,

And decided in the negative,	{ Yeas,	:	:	:	:	7
	{ Nays,	:	:	:	:	127

Those voting in the affirmative, are,

Mr. J. M. Campbell  
Hogue  
James

Mr. W. C. Kinney  
Morris

Mr. Roman  
Whiteside.

Those voting in the negative, are,

Mr. Adams  
Akin  
Archer  
Armstrong  
Atherton  
Ballingall  
Blair  
Blakely  
Bond  
Bosbyshell  
Brown  
Bunsen  
T. Campbell  
Canady  
Carter  
Z. Casey  
Choate  
Church  
Churchill  
Colby  
Constable  
R. J. Cross  
S. J. Cross  
Dale  
D. Davis  
J. M. Davis  
Dawson  
Deitz  
Dummer  
Dunlap  
Dunn  
Dunsmore  
Eccles  
N. W. Edwards  
Evey  
Frick  
Graham  
Geddes

Mr. H. R. Green  
P. Green  
W. B. Green  
Grimshaw  
Harding  
Harlan  
Harper  
Harvey  
Hatch  
Hawley  
Hay  
Hayes  
Heacock  
Henderson  
Hoes  
Hunsaker  
Hurlbut  
Huston  
Jackson  
Jenkins  
Jones  
Judd  
Kenner  
S. Kinney  
Kitchell  
A. R. Knapp  
N. M. Knapp  
Knox  
Kreider  
Lander  
Lasater  
Laughlin  
Lemon  
Linley  
Lockwood  
Loudon  
McCallen  
McCully

Mr. McClure  
McHatten  
Manly  
Markley  
F. S. D. Marshall  
T. A. Marshall  
Mason  
Mieure  
Miller  
Minshall  
Moffett  
Moore  
Nichols  
Northcott  
Oliver  
Pace  
H. D. Palmer  
J. M. Palmer  
Peters  
Pinckney  
Rives  
Robbins  
Robinson  
Rountree  
Scates  
Servant  
Shields  
Shumway  
Sibley  
Sim  
Simpson  
E. O. Smith  
Spencer  
Stadden  
Swan  
Thompson  
Thornton



Mr. Trower -  
Turnbull  
Turner  
Tutt  
Tuttle

Mr. Vance  
Vernor  
Wead  
Webber  
Williams

Mr. Witt  
Whitney  
Worcester  
Mr. President.

The question was taken on agreeing to the substitute for the amendment, and decided in the affirmative.

The question was taken on the adoption of the 16th section, as amended, and decided in the affirmative.

Mr. Brockman moved to add the following proviso to the 17th section: "Provided, the word "freeman," as employed in this constitution, shall not extend to any negro or mulatto, nor shall the legislature ever hereafter extend the right of suffrage to negroes or mulattoes of African blood."

On motion of Mr. Adams,

The proviso was laid on the table,

{ Yeas,	:	:	:	60
{ Nays,	:	:	:	51

Those voting in the affirmative, are,

Mr. Adams  
Armstrong  
Ballingall  
Blair  
Bosbyshell  
Brown  
Canaday  
Carter  
Choate  
Church  
Churchill  
R. J. Cross  
Dale  
J. M. Davis  
Dawson  
Deitz  
Dummer  
Dunn  
Dunsmore  
N. W. Edwards  
Frick  
Graham  
H. R. Green  
W. B. Green

Mr. Grimshaw  
Harding  
Harlan  
Harper  
Harvey  
Hatch  
Heacock  
Henderson  
Hoes  
Hurlbut  
Jackson  
Jones  
Judd  
Kenner  
S. Kinney  
A. R. Knapp  
N. M. Knapp  
Knox  
Lander  
Lockwood  
Loudon  
McClure  
F. S. D. Marshall  
T. A. Marshall

Mr. Mason  
Miller  
Minshall  
Moffett  
Northcott  
H. D. Palmer  
Peters  
Pinckney  
Pratt  
Sibley  
Sim  
E. O. Smith  
Spencer  
Stadden  
Swan  
Thompson  
Thornton  
Trower  
Turnbull  
Turner  
Tuttle  
Vance  
Williams  
Whitney.

Those voting in the negative, are,

Mr. Akin  
Archer  
Atherton  
Blakely  
Brockman  
Bunsen  
J. M. Campbell  
Z. Casey  
S. J. Cross  
Dunlap  
Eccles  
Geddes  
P. Green

Mr. Hayes  
Hogue  
Hunsaker  
Huston  
James  
Jenkins  
W. C. Kinney  
Kitchell  
Kreider  
Lasater  
Laughlin  
Lemon  
Linley

Mr. McCallen  
McCully  
McHatton  
Manly  
Markley  
Morris  
Oliver  
Pace  
J. M. Palmer  
Rives  
Robinson  
Roman  
Rountree



Mr. Shields  
Simpson  
Singleton  
J. Smith

Mr. Tutt  
Vernor  
Wead  
Webber

Mr. Witt  
Whiteside  
Worcester  
Mr. President.

On motion of Mr. Harding,  
The previous question was ordered.  
The question was taken, and the 17th section adopted.

On motion of Mr. Whitney,  
The vote taken yesterday, rejecting a substitute offered by him for the 6th section, was reconsidered.

On motion of Mr. Witt,  
The vote taken on the adoption of the 6th section on yesterday was reconsidered.

Mr. Whitney modified his motion by making it one to add the following to the 6th section:

"And shall extend to all cases at law, without regard to the amount in controversy."

The question was taken, by yeas and nays,

And decided in the affirmative,	{ Yeas,	:	:	:	:	64
	{ Nays,	:	:	:	:	50

Those voting in the affirmative, are,

Mr. Akin  
Armstrong  
Ballingall  
Blair  
Brockman  
J. M. Campbell  
Carter  
Choate  
Churchill  
R. J. Cross  
S. J. Cross  
Dawson  
Dunsmore  
Eccles  
Evey  
Graham  
Geddes  
P. Green  
W. B. Green  
Harding  
Harper  
Hawley

Mr. Hayes  
Heacock  
Huston  
Jenkins  
Jones  
Judd  
S. Kinney  
A. R. Knapp  
Knox  
Loudon  
McClure  
McHatton  
Manly  
Markley  
T. A. Marshall  
Mason  
Mieure  
Moffett  
Moore  
Nichols  
H. D. Palmer

Mr. Pinckney  
Robbins  
Rountree  
Shields  
Shumway  
Simpson  
E. O. Smith  
Spencer  
Stadden  
Swan  
Thompson  
Turner  
Tuttle  
Vernor  
Webber  
Williams  
Witt  
Whiteside  
Whitney  
Worcester  
Mr. President.

Those voting in the negative, are,

Mr. Atherton  
Boshyshell  
T. Campbell  
Canady  
Z. Casey  
Dale  
D. Davis  
Deitz

Mr. Dummer  
Dunlap  
Dunn  
N. W. Edwards  
Farwell  
Frick  
Grimshaw  
Harlan

Mr. Harvey  
Hatch  
Hay  
Henderson  
Hoes  
Jackson  
James  
Kenner



Mr. Kitchell  
N. M. Knapp  
Kreider  
Lander  
Lasater  
Laughlin  
Lemon  
Linley  
Lockwood

Mr. F. S. D. Marshall  
Miller  
Minshall  
Morris  
Northcott  
Oliver  
J. M. Palmer  
Peters  
Rives

Mr. Robinson  
Roman  
Sibley  
Sim  
Thornton  
Trower  
Vance  
Wead.

The question was taken on the adoption of the 6th section, as amended, and decided in the affirmative.

Mr. A. R. Knapp offered the following as an amendment to the 18th section:

"SEC. —. The military shall be in strict subordination to the civil power."

The question was taken, and the amendment agreed to.

The question was taken on the adoption of the 18th section, as amended, and decided in the affirmative.

Mr. J. M. Davis moved the following as an amendment to the 19th section:

"SEC. —. The legislature shall pass laws, with adequate penalties, preventing the intermarriage of whites with blacks, and no colored person shall ever, under any pretext, be allowed to hold any office of honor or profit in this state."

Mr. J. Smith moved to lay the amendment on the table.

The question was taken, by yeas and nays,

And decided in the negative,	{ Yeas,	:	:	:	:	54
	{ Nays,	:	:	:	:	65

Those voting in the affirmative, are,

Mr. Blair  
Blakely  
Bosbyshell  
T. Campbell  
Canaday  
Carter  
R. J. Cross  
D. Davis  
Dawson  
Deitz  
Dummer  
Dunn  
Dunsmore  
N. W. Edwards  
Farwell  
Frick  
Graham  
Geddes  
W. B. Green

Mr. Grimshaw  
Harding  
Harper  
Harvey  
Hatch  
Hawley  
Hay  
Heacock  
Hoes  
Hurlbut  
Jackson  
Kenner  
A. R. Knapp  
N. M. Knapp  
Knox  
Lemon  
Lockwood  
McCully  
McClure

Mr. T. A. Marshall  
Mason  
Miller  
Minshall  
Moffett  
Northcott  
H. D. Palmer  
Sibley  
J. Smith  
Spencer  
Swan  
Thompson  
Thornton  
Trower  
Turnbull  
Turner  
Tuttle  
Vance  
Williams

Those voting in the negative, are,

Mr. Akin  
Armstrong  
Atherton  
Ballingall

Mr. Bond  
Brockman  
Bunsen  
Z. Casey

Mr. Choate  
Churchin  
Crain  
S. J. Cross



Mr. Dale	Mr. Laughlin	Mr. Roman
J. M. Davis	Linley	Rountree
Dunlap	McCallen	Servant
Eccles	McHatton	Shields
Evey	Manly	Shumway
P. Green	Markley	Sim
Hayes	F. S. D. Marshall	Simpson
Henderson	Mieure	Stadden
Hunsaker	Moore	Tutt
Huston	Morris	Vernor
James	Nichols	Wead
Jenkins	Oliver	Webber
Jones	J. M. Palmer	West
Judd	Peters	Witt
Kitchell	Pinckney	Whiteside
Kreider	Rives	Worcester
Lander	Robbins	Mr. President.
Lasater	Robinson	

On motion of Mr. Witt,

The previous question was ordered.

The question was taken, by yeas and nays, on the adoption of the amendment,

And decided in the affirmative,	{ Yeas,	:	:	:	:	82
	{ Nays,	:	:	:	:	32

Those voting in the affirmative, are,

Mr. Akin	Mr. W. B. Green	Mr. F. S. D. Marshall
Allen	Grimshaw	Mieure
Archer	Harlan	Moore
Atherton	Harper	Morris
Ballingall	Hawley	Oliver
Blair	Hay	J. M. Palmer
Blakely	Hayes	Rives
Bosbyskell	Henderson	Robbins
Brockman	Hunsaker	Robinson
Bunsen	Huston	Roman
Carter	James	Rountree
Zadok Casey	Jenkins	Shields
Choate	Jones	Shumway
Churchill	Kenner	Sim
Crain	Kitchell	Singleton
S. J. Cross	A. R. Knapp	Stadden
Dale	N. M. Knapp	Thornton
D. Davis	Lander	Trower
J. M. Davis	Lasater	Tuttle
Dawson	Laughlin	Vance
Dunlap	Lemon	Vernor
Eccles	Linley	Webber
N. W. Edwards	McCallen	West
Evey	McCully	Witt
Graham	McHatton	Whiteside
Geddes	Manly	Worcester
H. R. Green	Markley	Mr. President.
P. Green		



Those voting in the negative, are,

Mr. Adams	Mr. Hoes	Mr. H. D. Palmer
T. Campbell	Hurlbut	Peters
Canady	Jackson	Pinckney
R. J. Cross	Judd	Sibley
Deitz	Knox	Spencer
Dunn	Lockwood	Swan
Frick	McClure	Thompson
Harding	T. A. Marshall	Turnbull
Harvey	Mason	Turner
Hatch	Minshall	Williams.
Heacock	Moffett	

The question was taken on the adoption of the 19th section, as amended, and decided in the affirmative.

Mr. Bosbyshell moved to amend the 20th section by adding the following:

"The people at all times have a right to alter, reform, or abolish their form of government, whenever the public good may require it."

On motion of Mr. Hurlbut,

The amendment was laid on the table,	{ Yeas, . . .	77
	{ Nays, . . .	47

Those voting in the affirmative, are,

Mr. Anderson	Mr. Harvey	Mr. H. D. Palmer
Atherton	Hay	Peters
Blair	Heacock	Pinckney
Bond	Hunsaker	Rives
Bunsen	Hurlbut	Robbins
Canady	Jackson	Roman
Choate	Jones	Servant
Church	Judd	Shields
R. J. Cross	Kenner	Sibley
D. Davis	S. Kinney	Sim
J. M. Davis	A. R. Knapp	Simpson
Dawson	N. M. Knapp	E. O. Smith
Deitz	Knox	Spencer
Dunmer	Lander	Swan
Dunsmore	Lemon	Thornton
Eccles	Lockwood	Trower
N. W. Edwards	Loudon	Turnbull
Frick	F. S. D. Marshall	Turner
Graham	T. A. Marshall	Tuttle
Geddes	Mason	Vance
H. R. Green	Mieure	Vernor
P. Green	Miller	West
Grimshaw	Minshall	Williams
Harding	Moffett	Witt
Harlan	Nichols	Woodson.
Harper	Northcott	





Those voting in the negative, are,

Mr. Akin  
Archer  
Armstrong  
Bailingall  
Blakely  
Bosbyshell  
Brockman  
T. Campbell  
Carter  
Z. Casey  
Churchill  
S. J. Cross  
Dunlap  
Dunn  
Evey  
Farwell

Mr. W. B. Green  
Hatch  
Hawley  
Hayes  
Henderson  
Hoes  
Huston  
James  
W. C. Kinney  
Kitchell  
Kreider  
Lasater  
Laughlin  
Linley  
McCallen  
McCully

Mr. McClure  
McHatton  
Markley  
Moore  
Oliver  
J. M. Palmer  
Shumway  
J. Smith  
Stadden  
Tutt  
Wead  
Webber  
Whiteside  
Worcester  
Mr. President.

Mr. Turnbull moved to amend the 20th section by adding the following:

"But the legislature may provide for equalizing the valuation of taxable property, according to the relative value of the same in the several counties in this state."

On motion of Mr. Z. Casey,

The 20th section and the amendment were laid on the table.

On motion of Mr. Woodson,

The 21st section was laid on the table.

Mr. A. R. Knapp moved the following as a substitute for the sections last laid on the table:

"Sec. —. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war except in manner prescribed by law."

The question was taken, and the substitute adopted.

Mr. Servant moved to amend the 22d section by adding the following:

"Sec. —. That from and after the adoption of this constitution, every person who shall be elected or appointed to any office of profit, trust, or emolument, civil or military, legislative, executive, or judicial, under the government of this state, shall, before he enters upon the duties of his office, in addition to the oath prescribed in this constitution, take the following oath:

"I do solemnly swear (or affirm as the case may be) that I have not fought a duel, nor sent or accepted a challenge to fight a duel, the probable issue of which might have been the death of the challenger or challenged, nor been a second to either party, nor in any manner aided or assisted in such duel, nor been knowingly the bearer of such challenge or acceptance, since the adoption of the constitution; and that I will not be so engaged or concerned, directly or indirectly, in or about any such duel, during my continuance in office, so help me God."

On motion of Mr. Jones,

The previous question was ordered.



The question was taken, by yeas and nays, on the adoption of the amendment,

And decided in the affirmative, {Yeas, : : : : 74  
Nays, : : : : 44

Those voting in the affirmative, are,

Mr. Blair	Mr. Hurlbut	Mr. Peters
Brown	Jackson	Pinckney
Bunsen	James	Rives
Church	Jones	Robbins
Churchill	Judd	Robinson
Constable	Kenner	Roman
D. Davis	S. Kinney	Scates
Dawson	Kitchell	Servant
Dummer	A. R. Knapp	Shields
Dunn	N. M. Knapp	Sibley
Dunsmore	Knox	Sim
N. W. Edwards	Laughlin	Spencer
Evey	Lemon	Swan
Frick	Logan	Thompson
Graham	McCallen	Thornton
Geddes	McHatton	Turnbull
H. R. Green	Markley	Turner
P. Green	Mason	Vance
Grimshaw	Mieure	Williams
Harding	Minshall	Witt
Harper	Moffett	Whitney
Hawley	Nichols	Woodson
Heacock	Northcott	Worcester
Hoes	H. D. Palmer	Mr. President.
Hunsaker	M. J. Palmer	

Those voting in the negative, are,

Mr. Akin	Mr. Deitz	Mr. Miller
Anderson	Dunlap	Moore
Armstrong	Eccles	Morris
Ballingall	Harlan	Oliver
Blakely	Hayes	Pace
Bosbyshell	Henderson	Shumway
Brockman	Hogue	Simpson
J. M. Campbell	Huston	Stadden
Canady	Kreider	Trower
Carter	Lasater	Tutt
Z. Casey	Linley	Tuttle
Choate	Loudon	Vernor
R. J. Cross	McCully	Wead
Dale	McClure	Whiteside.
J. M. Davis	F. S. D. Marshall	

The question was taken on the adoption of the 22d section, and decided in the affirmative.

Mr. Shumway moved the following as an amendment to the 23d section:

"SEC. —.No branch or branches of a United States bank shall be located in this state."

On motion of Mr. Eccles,

A call of the convention was ordered.



The call was proceeded in for some time, and a quorum being present,

On motion of Mr. J. M. Davis,

Further proceedings under the call were dispensed with.

The following gentlemen were absent:

Messrs. Allen, Bond, Butler, F. S. Casey, (sick,) Colby, Constable, Crain, T. G. C. Davis, (sick,) Dement, Edmonson, W. B. Green, Gregg, Hay, Hill, Jenkins, W. C. Kinney, Knowlton, T. A. Marshall, Matheny, Powers, Pratt, Sharpe, Sherman, Singleton, E. O. Smith, and Webber—26.

On motion of Mr. Geddes,

(The rules having been temporarily suspended,)

Leave of absence was granted to Mr. Sharpe for seven days.

Mr. Deitz offered the following as an amendment to the amendment:

“Without first obtaining the consent of the state legislature.”

On motion of Mr. Shumway,

The previous question was ordered.

The question was taken, and the amendment to the amendment rejected.

On motion of Mr. J. M. Campbell,

The amendment was laid on the table, {	Yeas,	.	.	.	74
	Nays,	.	.	.	63

Those voting in the affirmative, are,

Mr. Adams	Mr. Harper	Mr. Northcott
Blakely	Hawley	Norton
Bond	Holmes	H. D. Palmer
J. M. Campbell	Hurlbut	Pinckney
Canady	Huston	Rives
Z. Casey	Jackson	Robbins
Church	Judd	Robinson
Constable	Kenner	Servant
R. J. Cross	S. Kinney	Shields
D. Davis	A. R. Knapp	Sibley
J. M. Davis	N. M. Knapp	Sim
Dawson	Knox	Spencer
Deitz	Lander	Swan
Dammer	Lemon	Thomas
Dunsmore	Lockwood	Thornton
Eccles	Logan	Trower
C. Edwards	Loudon	Turnbull
N. W. Edwards	McCallen	Turner
Frick	McHatton	Tuttle
Graham	F. S. D. Marshall	Vance
Geddes	T. A. Marshall	West
H. R. Green	Mason	Williams
Grimshaw	Mieure	Whitney
Harding	Miller	Woodson.
Harlan	Minshall	



Those voting in the negative, are,

Mr. Akin	Mr. P. Green	Mr. Morris
Anderson	Harvey	Nichols
Archer	Hatch	Oliver
Armstrong	Hayes	Pace
Ballingall	Heacock	J. M. Palmer
Blair	Henderson	Peters
Bosbyshell	Hoes	Roman
Brockman	Hogue	Scates
Brown	Hunsaker	Shumway
Bunsen	James	Simpson
Caldwell	Kitchell	J. Smith
Carter	Kreider	Stadden
Choate	Lasater	Thompson
Churchill	Laughlin	Tutt
Crain	Linley	Vernor
S. J. Cross	McCully	Wead
Dale	McClure	Webber
Dunlap	Manly	Witt
Dunn	Markley	Whiteside
Evey	Moffett	Worcester
Farwell	Moore	Mr. President.

The question was taken on the adoption of the 23d section, and decided in the affirmative.

Mr. Williams moved that the vote taken this morning, on the adoption of the 19th section, as amended, be reconsidered.

On motion,

The convention adjourned until 3 o'clock, P. M.

### THREE O'CLOCK, P. M.

Convention assembled pursuant to adjournment.

Mr. Williams withdrew his motion to reconsider.

Mr. N. W. Edwards moved to refer the bill of rights, as amended and modified, to the committee on Revision and Adjustment of the Articles of the Constitution, with the instructions embraced in the following preamble and resolutions:

“Whereas, so much of section 19 of the bill of rights as provides for restriction upon blacks in connection with certain civil rights, privileges, and immunities, is an implied admission of their possession of such rights as citizens of this state and the United States, in the absence of such constitutional restrictions; and whereas, the directions therein given to the legislature presupposes that any portion of the people of this state would be in favor of conferring such rights and privileges (as is therein denied) to colored people; and whereas, the legislature would have no power to allow to persons of color to hold office, and without any constitutional prohibition have already passed laws with severe penalties, not only making intermarriage contracts between them and whites a criminal offence, but null and void; therefore,



*Resolved*, That said article be committed to the committee on Revision with instructions to omit so much of said section as refers to persons of color.

On motion of Mr. Witt,

The previous question was ordered.

Mr. Scates moved to divide the question, so as to vote first on the question of reference.

The question was taken, and the convention refused to order a division.

The question was taken, by yeas and nays, on the motion of reference with the instructions,

And decided in the affirmative,	{ Yeas,	:	:	:	: 71
	{ Nays,	:	:	:	: 63

Those voting in the affirmative, are,

Mr. Adams	Mr. H. R. Green	Mr. Mason
Anderson	Grimshaw	Minshall
Armstrong	Harding	Moffett
Bond	Harlan	Northcott
Bosbyshell	Harper	Norton
Brown	Harvey	H. D. Palmer
T. Campbell	Hatch	Peters
Canady	Hay	Pinckney
Church	Heacock	Sibley
Churchill	Henderson	Sim
Constable	Hoes	E. O. Smith
S. J. Cross	Jackson	Spencer
Dale	Judd	Stadden
D. Davis	S. Kinney	Swan
Dawson	A. R. Knapp	Thomas
Deitz	N. M. Knapp	Thompson
Dummer	Knowlton	Trower
Dunn	Knox	Turnbull
Dunsmore	Lander	Turner
C. Edwards	Lemon	Tuttle
N. W. Edwards	Logan	Vance
Frick	McClure	Williams
Graham	F. S. D. Marshall	Woodson.
Geddes	T. A. Marshall	

Those who voted in the negative, are,

Mr. Akin	Mr. Holmes	Mr. Oliver
Archer	Hunsaker	Pace
Atherton	Huston	J. M. Palmer
Ballingall	James	Pratt
Brockman	Kenner	Rives
Bunsen	Kitchell	Robbins
Caldwell	Kreider	Robinson
J. M. Campbell	Lasater	Roman
Carter	Laughlin	Scates
Z. Casey	Linley	Shields
Choate	Lockwood	Shumway
Colby	Loudon	Singleton
Crain	McCallen	J. Smith
Dunlap	McCully	Thornton
Eccles	McHatton	Tutt
Evey	Manly	Vernor
Farwell	Markley	Webber
P. Green	Mieure	Witt
Hawley	Miller	Whiteside
Hayes	Moore	Worcester
Hogue	Morris	Mr. President.



Mr. Constable moved to take up the report of the select committee appointed to apportion the state into senatorial and representative districts for consideration.

On motion of Mr. Harding,

The previous question was ordered.

The question was taken on taking up the report, and decided in the affirmative.

Mr. Witt moved to refer the report to a select committee of nine.

The question was taken, and decided in the negative.

Mr. Crain moved to refer so much of the report as relates to the 2d, 3d, and 4th judicial circuits, to a select committee of one from each county in those circuits.

On motion of Mr. Akin,

The motion was laid on the table,	{ Yeas, . . .	84
	{ Nays, . . .	57

Those voting in the affirmative, are,

Mr. Akin	Mr. Hunsaker	Mr. Morris
Anderson	Huston	Nichols
Archer	Jackson	H. D. Palmer
Atherton	James	J. M. Palmer
Blair	Jones	Peters
Brown	Judd	Pratt
Bunsen	S. Kinney	Rives
J. M. Campbell	W. C. Kinney	Robbins
Canaday	Kitchell	Robinson
Carter	A. R. Knapp	Rountree
Choate	Knox	Scates
Constable	Kreider	Servant
S. J. Cross	Lander	Shields
J. M. Davis	Lasater	Simpson
Deitz	Laughlin	E. O. Smith
Dummer	Lemon	Swan
Dunn	Linley	Thomas
Eccles	Lockwood	Thompson
Frick	Logan	Trower
Graham	McCully	Turnbull
Geddes	McHatten	Turner
H. R. Green	Manly	Tutt
Gregg	Markley	Tuttle
Harding	T. A. Marshall	Vance
Harper	Mieure	Vernor
Harvey	Miller	Webber
Hawley	Moffett	Whiteside
Heacock	Moore	Whitney.

Those voting in the negative, are,

Mr. Adams	Mr. Church	Mr. C. Edwards
Armstrong	Churchill	N. W. Edwards
Ballingall	Colby	Farwell
Bond	Crain	P. Green
Bosbyshell	R. J. Cross	Grimshaw
Brockman	Dale	Harlan
Caldwell	D. Davis	Hatch
T. Campbell	Dunlap	Hayes
Z. Casey	Dunsmore	Henderson



Mr. Hoes	Mr. Mason	Mr. Spencer
Hogue	Minshall	Stadden
Hurlbut	Northcott	Thornton
Kenner	Norton	Wead
N. M. Knapp	Oliver	West
Knowlton	Roman	Williams
Loudon	Shumway	Witt
McCallen	Sibley	Woodson
McClure	Sim	Worcester
F. S. D. Marshall	J. Smith	Mr. President.

Mr. McCallen moved the following as a substitute for the report:

“Until there shall be a new apportionment of senators and representatives, the state shall be divided into senatorial and representative districts, and senators and representatives shall be apportioned among the several counties of the state in accordance with the provisions of an act of the general assembly, entitled “An act to apportion the representation in the several counties in this state,” approved February 25th, 1847.”

Mr. Witt moved to amend the report by striking out the 22d and 23d clauses in relation to representative districts, and by inserting in lieu thereof the following:

“The counties of Greene and Jersey shall constitute the twenty-second representative district, and be entitled to two representatives.”

Mr. Akin moved the previous question.

The question was taken, by yeas and nays, on ordering the previous question,

And decided in the affirmative,	{ Yeas,	.	.	.	.	82
	{ Nays,	.	.	.	.	49

Those voting in the affirmative, are,

Mr. Adams	Mr. Harding	Mr. Miller
Akin	Harlan	Minshall
Anderson	Harper	Moffett
Armstrong	Harvey	Moore
Atherton	Hatch	Morris
Blair	Hawley	Nichols
Bosbyshell	Heacock	Northcott
Brockman	Holmes	H. D. Palmer
Brown	Hunsaker	Pratt
Bunsen	Huston	Rives
Canaday	Jackson	Robbins
Carter	James	Robinson
Choate	Jones	Scates
Church	Kitchell	Servant
Colby	A. R. Knapp	Shields
Constable	Knox	Sibley
S. J. Cross	Lander	Simpson
D. Davis	Lasater	E. O. Smith
Deitz	Laughlin	Thomas
Dummer	Linley	Turnbull
Dunn	Logan	Turner
Eccles	Loudon	Tutt
C. Edwards	McClure	Tuttle
Farwell	McHatton	Vance
Frick	Manly	Whiteside
Graham	F. S. D. Marshall	Woodson
Geddes	T. A. Marshall	Worcester.
H. R. Green	Mieure	



Those voting in the negative, are,

Mr. Ballingall	Mr. Hayes	Mr. Pace
Blakely	Henderson	J. M. Palmer
Bond	Hogue	Peters
Caldwell	Hurlbut	Roman
J. M. Campbell	Judd	Rountree
T. Campbell	Kenner	Shumway
Z. Casey	S. Kinney	Sim
Churchill	N. M. Knapp	J. Smith
Crain	Knowlton	Spencer
R. J. Cross	Kreider	Thornton
Dale	Lemon	Vernor
J. M. Davis	McCallen	Webber
Dunlap	McCully	West
Dunsmore	Markley	Williams
N. W. Edwards	Norton	Witt
P. Green	Oliver	Mr. President.
Gregg		

The question was taken, by yeas and nays, on the adoption of the amendment proposed by Mr. Witt,

And decided in the negative,	{ Yeas,	:	:	:	:	65
	{ Nays,	:	:	:	:	68

Those voting in the affirmative, are,

Mr. Akin	Mr. Farwell	Mr. Markley
Archer	P. Green	Moore
Armstrong	Gregg	Morris
Atherton	Harvey	Oliver
Ballingall	Hatch	J. M. Palmer
Blair	Hawley	Peters
Blakely	Hayes	Pratt
Bond	Heacock	Scates
Bosbyshell	Henderson	Shields
Brockman	Hoes	Sibley
Brown	Hogue	J. Smith
Bunsen	Huston	Stadden
Caldwell	Jackson	Thompson
J. M. Campbell	James	Vernor
T. Campbell	W. C. Kinney	Wead
Z. Casey	Kitchell	Webber
Choate	Kreider	Witt
Churchill	Lasater	Whiteside
Colby	Linley	Woodson
Crain	McCully	Worcester
Dunlap	McClure	Mr. President.
Dunn	McHatton	

Those voting in the negative, are,

Mr. Adams	Mr. D. Davis	Mr. Graham
Anderson	J. M. Davis	Geddes
Canady	Deitz	H. R. Green
Carter	Dummer	Grimshaw
Church	Dunsmore	Harding
Constable	Eccles	Harlan
R. J. Cross	C. Edwards	Harper
Dale	N. W. Edwards	Hunsaker



Mr. Hurlbut  
Jones  
Kenner  
S. Kinney  
A. R. Knapp  
N. M. Knapp  
Knowlton  
Knox  
Lander  
Laughlin  
Lemon  
Lockwood  
Logan  
McCallen  
Manly

Mr. T. A. Marshall  
Mason  
Mieure  
Miller  
Minshall  
Moffett  
Nichols  
Northcott  
Norton  
H. D. Palmer  
Rives  
Robinson  
Roman  
Servant  
Sim

Mr. E. O. Smith  
Spencer  
Swan  
Thomas  
Thornton  
Trower  
Turnbull  
Turner  
Tutt  
Tuttle  
Vance  
West  
Williams  
Whitney.

The question was taken, by yeas and nays, on the adoption of the substitute proposed by Mr. McCallen,

And decided in the negative,	{	Yeas,	:	:	:	46
		Nays,	:	:	:	92

Those voting in the affirmative, are,

Mr. Adams  
Ballingall  
Blakely  
Bond  
Bosbyshell  
Brockman  
Caldwell  
Church  
Colby  
Crain  
Dale  
Dunlap  
Dunn  
Farwell  
P. Green  
Gregg

Mr. Harvey  
Hatch  
Hayes  
Heacock  
Henderson  
Hoes  
Hogue  
Judd  
S. Kinney  
W. C. Kinney  
Knowlton  
Lasater  
Laughlin  
Linley  
Loudon

Mr. McCallen  
McClure  
McHatton  
F. S. D. Marshall  
Mason  
Nichols  
Norton  
Oliver  
Peters  
J. Smith  
Spencer  
Turner  
Vernor  
West  
Mr. President.

Those voting in the negative, are,

Mr. Akin  
Anderson  
Archer  
Armstrong  
Atherton  
Blair  
Brown  
Bunsen  
J. M. Campbell  
T. Campbell  
Canady  
Carter  
Z. Casey  
Choate  
Churchill  
Constable  
R. J. Cross  
S. J. Cross  
D. Davis  
J. M. Davis

Mr. Deitz  
Dummer  
Dunsmore  
Eccles  
C. Edwards  
N. W. Edwards  
Frick  
Graham  
Geddes  
H. R. Green  
Grimshaw  
Harding  
Harlan  
Harper  
Hunsaker  
Hurlbut  
Huston  
Jackson  
James  
Jones

Mr. Kenner  
Kitchell  
A. R. Knapp  
N. M. Knapp  
Knox  
Kreider  
Lander  
Lemon  
Lockwood  
Logan  
McCully  
Manly  
Markley  
T. A. Marshall  
Mieure  
Minshall  
Moffett  
Moore  
Morris  
Northcott



Mr. H. D. Palmer  
J. M. Palmer  
Pratt  
Rives  
Robbins  
Robinson  
Roman  
Scates  
Servant  
Shields  
Shumway

Mr. Sibley  
Sim  
Simpson  
E. O. Smith  
Stadden  
Swan  
Thomas  
Thompson  
Thornton  
Trower  
Turnbull

Mr. Tutt  
Tuttle  
Vance  
Webber  
Williams  
Witt  
Whiteside  
Whitney  
Woodson  
Worcester.

On motion of Mr. C. Edwards,

(The rules having been temporarily suspended,)

“Resolved, That professor McGuffey, of Virginia, be allowed the use of this hall on Wednesday, the 25th inst., at 7 o'clock, P. M., for the purpose of delivering a lecture on popular education.

Mr. Bosbyshell moved that the convention adjourn.

The question was taken, and decided in the negative.

Mr. Bosbyshell moved that the vote be reconsidered ordering the main question.

The question was taken, and decided in the negative.

The question was taken, by yeas and nays, on the adoption of the report of the select committee of twenty-seven to apportion the state into senatorial and representative districts,

And decided in the affirmative,	{ Yeas,	:	:	:	:	99
	{ Nays,	:	:	:	:	36

Those voting in the affirmative, are,

Mr. Adams  
Akin  
Anderson  
Archer  
Armstrong  
Atherton  
Blair  
Brockman  
Brown  
Bunsen  
J. M. Campbell  
T. Campbell  
Canady  
Carter  
Z. Casey  
Church  
Churchill  
Constable  
R. J. Cross  
S. J. Cross  
Dale  
D. Davis  
J. M. Davis  
Deitz  
Dummer  
Dunn  
Dunsmore  
Eccles

Mr. C. Edwards  
N. W. Edwards  
Frick  
Graham  
Geddes  
H. R. Green  
Harding  
Harlan  
Hawley  
Holmes  
Hunsaker  
Hurlbut  
Huston  
James  
Jones  
Judd  
W. C. Kinney  
Kitchell  
A. R. Knapp  
N. M. Knapp  
Knox  
Kreider  
Lander  
Lasater  
Laughlin  
Lemon  
Lockwood  
Logan

Mr. McCully  
McHatton  
Manly  
Markley  
T. A. Marshall  
Mieure  
Minshall  
Moffett  
Moore  
Morris  
Northcott  
H. D. Palmer  
J. M. Palmer  
Pratt  
Rives  
Robbins  
Robinson  
Scates  
Servant  
Shields  
Sibley  
Sim  
Simpson  
E. O. Smith  
Stadden  
Swan  
Thomas  
Thompson



Mr. Thornton  
Trower  
Turnbull  
Tutt  
Tuttle

Mr. Vance  
Vernor  
Webber  
West  
Williams

Mr. Witt  
Whiteside  
Whitney  
Woodson  
Worcester.

Those voting in the negative, are,

Mr. Ballingall  
Blakely  
Bond  
Bosbyshell  
Caldwell  
Colby  
Crain  
Dunlap  
P. Green  
Gregg  
Harper  
Harvey

Mr. Hatch  
Hayes  
Heacock  
Henderson  
Hoes  
Hogue  
Kenner  
S. Kinney  
Knowlton  
Loudon  
McCallen  
McClure

Mr. F. S. D. Marshall  
Mason  
Nichols  
Norton  
Oliver  
Peters  
Rountree  
Shumway  
J. Smith  
Spencer  
Turner  
Mr. President.

On motion of Mr. Akin,

The legislative report was taken from the table, and the legislative report, as amended, and the report just adopted, were referred to the committee on the Revision and Adjustment of the Articles of the Constitution.

On motion,

The convention adjourned.

WEDNESDAY, August 25, 1847.

The convention assembled pursuant to adjournment.

Prayer by the Rev. Mr. Barger.

The journal of yesterday was read.

Mr. J. M. Palmer offered the following order for adoption:

*Ordered by the convention*, that the committee on Revision, to whom on yesterday the report of the select committee on the division of the state into senatorial and representative districts was referred, be instructed to so modify and report that the same shall stand as follows:

"The counties of Jersey and Greene shall constitute the twenty-second representative district, and shall be entitled to two representatives, and that they arrange the succeeding part of said report so as to correspond thereto.

On motion,

A call of the convention was ordered.

The call having been proceeded in, the following gentlemen were found to be absent:

Messrs. Allen, Bond, Brown, Butler, F. S. Casey, (sick) Constable, T. G. C. Davis, (sick) Dawson, Edmonson, (sick) Farwell, Grimshaw, James, W. C. Kinney, Loudon, T. A. Marshall, Matheny, Northcott, Powers, Sharpe, Sherman, Singleton, Trower, Vance, Wead—26.



On motion,

Messrs. Allen and James were excused, in consequence of sickness.

Mr. Woodson moved the following as an amendment to the order:

“Also, that they so change the thirty-sixth section as to give Adams, including Highland, two representatives, and Brown one, and that they may form two separate districts.”

Mr. S. Kinney moved the following as a further amendment to the order:

“49. The counties of Marshall, Woodford, Livingston and Grundy shall constitute the forty-ninth representative district, and be entitled to one representative.

“50. The county of La Salle shall constitute the fiftieth representative district, and be entitled to one representative.

“— The counties of Bureau and Putnam shall constitute the \_\_\_\_\_ district, and be entitled to one representative.

Mr. H. D. Palmer moved to lay the whole subject on the table.

Mr. Witt called for a division, so as vote separately on laying each proposition on the table.

The question was taken, and the convention refused to order such division.

The question was taken, by yeas and nays, on laying the whole subject on the table,

And decided in the negative,	{Yeas,	:	:	:	:	54
	{Nays,	:	:	:	:	88

Those voting in the affirmative, are,

Mr. Adams	Mr. Harvey	Mr. Mieux
Anderson	Hay	Miller
Armstrong	Heacock	Nichols
Blair	Hill	Norton
Choate	Hoes	H. D. Palmer
Church	Holmes	Pinckney
R. J. Cross	Hurlbut	Pratt
Deitz	Huston	Rives
Dunsmore	Judd	Robbins
Eccles	Kenner	Roman
N. W. Edwards	A. R. Knapp	Servant
Graham	N. M. Knapp	Shields
Geddes	Knox	Sim
H. R. Green	Lander	E. O. Smith
P. Green	Laughlin	Spencer
Grimshaw	Lemon	Trower
Harding	McCully	Turner
Harlan	McHatton	Tuttle.

Those voting in the negative, are,

Mr. Akin	Mr. Brockman	Mr. Carter
Allen	Brown	Z. Casey
Archer	Bunsen	Churchill
Atherton	Caldwell	Colby
Ballingall	J. M. Campbell	Crain
Blakely	T. Campbell	S. J. Cross
Bosbyshell	Canady	Dale



Mr. D. Davis	Mr. Kitchell	Mr. Robinson
J. M. Davis	Knowlton	Rountree
Dement	Kreider	Scates
Dummer	Lasater	Shumway
Dunlap	Linley	Simpson
Dunn	Logan	Singleton
C. Edwards	Loudon	J. Smith
Evey	McClure	Stadden
Farwell	Manly	Thompson
Frick	Markley	Thornton
W. B. Green	F. S. D. Marshall	Turnbull
Gregg	T. A. Marshall	Tutt
Harper	Mason	Vernor
Hatch	Minshall	Wead
Hawley	Moffett	West
Hayes	Moore	Williams
Henderson	Morris	Witt
Hogue	Northcott	Whiteside
Hunsaker	Oliver	Whitney
Jackson	Pace	Woodson
Jenkins	J. M. Palmer	Worcester
Jones	Peters	Mr. President.
S. Kinney		

On motion of Mr. Turnbull,

The previous question was ordered.

Mr. Woodson withdrew his amendment.

The question was taken, by yeas and nays, on the order proposed by J. M. Palmer,

And decided in the affirmative,	{ Yeas,	:	:	:	:	91
	{ Nays,	:	:	:	:	41

Those voting in the affirmative, are,

Mr. Akin	Mr. Frick	Mr. Moore
Allen	Graham	Morris
Anderson	Gregg	Nichols
Archer	Grimshaw	Oliver
Armstrong	Harvey	Pace
Atherton	Hatch	J. M. Palmer
Ballingall	Hawley	Peters
Blair	Hayes	Robbins
Blakely	Heacock	Robinson
Bosbyshell	Henderson	Rountree
Brockman	Hill	Scates
Brown	Hogue	Shields
Bunsen	Hunsaker	Shumway
Caldwell	Huston	Simpson
J. M. Campbell	Jenkins	J. Smith
T. Campbell	Kitchell	Spencer
Carter	Knox	Stadden
Z. Casey	Kreider	Thompson
Choate	Lasater	Thornton
Churchill	Laughlin	Tutt
Colby	Linley	Vernor
Crain	McClure	Wead
R. J. Cross	McHatton	Webber
S. J. Cross	Manly	Williams
Dale	Markley	Witt
T. G. C. Davis	F. S. D. Marshall	Whiteside
Dement	T. A. Marshall	Whitney
Dunlap	Miller	Woodson
Dunn	Minshall	Worcester
Evey	Moffett	Mr. President.
Farwell		



Those voting in the negative, are,

Mr. Constable	Mr. Hay	Mr. Northcott
Deitz	Jones	H. D. Palmer
Dummer	Judd	Rives
Dunsmore	Kenner	Roman
Eccles	S. Kinney	Servant
C. Edwards	A. R. Knapp	Sim
N. W. Edwards	N. M. Knapp	E. O. Smith
Geddes	Knowlton	Swan
H. R. Green	Lander	Thomas
P. Green	Lemon	Trower
W. B. Green	Logan	Turnbull
Harding	McCallen	Turner
Harlan	McCully	Tuttle.
Harper	Mieure	

Mr. S. Kinney moved the adoption of the following order:

"Ordered by the convention, that the committee on Revision, to whom on yesterday the report of the select committee on the division of the state into senatorial and representative districts was referred, be instructed to so modify said report that the same shall stand as follows:

"49. The counties of Marshall, Woodford, Livingston and Grundy shall constitute the forty-ninth representative district, and be entitled to one representative.

"50. The county of La Salle shall constitute the fiftieth representative district, and be entitled to one representative.

"— The counties of Bureau and Putnam shall constitute the ——— district, and be entitled to one representative."

On motion of Mr. Armstrong,

The order was laid on the table,	{ Yeas, . . . . .	96
	{ Nays, . . . . .	35

Those voting in the affirmative, are,

Mr. Akin	Mr. Dummer	Mr. Hunsaker
Allen	Dunlap	Huston
Anderson	Dunn	Jenkins
Armstrong	Dunsmore	Jones
Atherton	C. Edwards	Kenner
Ballingall	N. W. Edwards	Kitchell
Blair	Evey	N. M. Knapp
Blakely	Farwell	Lasater
Bosbyshell	Graham	Laughlin
Brockman	H. R. Green	Linley
Brown	P. Green	McCully
Bunsen	Gregg	McClure
J. M. Campbell	Grimshaw	McHatton
T. Campbell	Harding	Manly
Carter	Harlan	Markley
Z. Casey	Harvey	F. S. D. Marshall
Choate	Hatch	T. A. Marshall
Churchill	Hawley	Mieure
Colby	Hay	Moffett
Crain	Hayes	Moore
S. J. Cross	Henderson	Morris
Dale	Hill	Nichols
T. G. C. Davis	Hoes	Norton
Dement	Hogue	Pace



Mr. H. D. Palmer  
Robbins  
Roman  
Rountree  
Scates  
Shields  
Shumway  
Sim

Mr. Singleton  
J. Smith  
Stadden  
Swan  
Thomas  
Thompson  
Thornton  
Trower

Mr. Tutt  
Vernor  
Wead  
Webber  
Witt  
Whitney  
Woodson  
Worcester.

Those voting in the negative, are,

Mr. Canady  
Church  
Constable  
R. J. Cross  
Deitz  
Eccles  
Frick  
Geddes  
W. B. Green  
Harper  
Heacock  
Hurlbut

Mr. Jackson  
Judd  
S. Kinney  
A. R. Knapp  
Knowlton  
Knox  
Lander  
Lemon  
Logan  
McCallen  
Miller  
Minshall

Mr. Northcott  
Oliver  
J. M. Palmer  
Peters  
Rives  
Sibley  
E. O. Smith  
Spencer  
Turnbull  
Turner  
Tuttle.

Mr. Williams offered for adoption the following order:

*Ordered*, that the committee on Revision be instructed so to change the thirty-sixth clause of the report dividing the state into representative districts as that Brown county elect one representative and Adams and Highland two.

On motion of Mr. Laughlin,

The order was laid on the table,	{ Yeas,	:	:	:	:	72
	{ Nays,	:	:	:	:	55

Those voting in the affirmative, are,

Mr. Akin  
Allen  
Anderson  
Armstrong  
Atherton  
Ballingall  
Blair  
Blakely  
Bosbyshell  
Brown  
Bunsen  
Canaday  
Carter  
Z. Casey  
Choate  
Churchill  
Crain  
Dale  
T. G. C. Davis  
Dement  
Dunn  
Dunsmore  
Evey  
Farwell

Mr. P. Green  
Gregg  
Grimshaw  
Harding  
Harlan  
Harvey  
Hatch  
Hawley  
Hayes  
Heacock  
Henderson  
Hill  
Hoes  
Hogue  
Holmes  
Hunsaker  
Huston  
W. C. Kinney  
Kitchell  
A. R. Knapp  
N. M. Knapp  
Kreider  
Lasater  
Laughlin

Mr. Linley  
McClure  
Manly  
Markley  
Mieure  
Moffett  
Moore  
Morris  
Nichols  
Pace  
H. D. Palmer  
Pinckney  
Robbins  
Robinson  
Scates  
Shields  
Shumway  
Sim  
Stadden  
Trower  
Tutt  
Vernor  
Wead  
Webber.



Those voting in the negative, are,

## Mr. Brockman

J. M. Campbell  
Church  
Colby  
Constable  
R. J. Cross  
D. Davis  
J. M. Davis  
Deitz  
Dummer  
Dunlap  
Eccles  
C. Edwards  
N. W. Edwards  
Frick  
Graham  
Geddes  
Harper  
Huribut

## Mr. Jackson

Jones  
Judd  
Kenner  
S. Kinney  
Knowlton  
Knox  
Lemon  
Logan  
McCallen  
McCully  
McHatton  
F. S. D. Marshall  
Miller  
Minshall  
Northcott  
Norton  
Oliver

## Mr. J. M. Palmer

Peters  
Rives  
Sibley  
Singleton  
E. O. Smith  
Spencer  
Swan  
Thomas  
Thornton  
Turnbull  
Turner  
Tuttle  
Williams  
Whiteside  
Whitney  
Woodson  
Mr. President.

On motion of Mr. Eccles,

The report of the committee on Miscellaneous Subjects and Questions, reported on the 11th August, was taken from the table, for consideration.

On motion of Mr. Shields,

The report was laid on the table,	{ Yeas, . . . . .	70
	{ Nays, . . . . .	56

Those voting in the affirmative, are,

## Mr. Adams

Akin  
Anderson  
Armstrong  
Blair  
Brown  
Bunsen  
T. Campbell  
Canaday  
Z. Casey  
Choate  
Church  
D. Davis  
Deitz  
Dummer  
Dunn  
C. Edwards  
N. W. Edwards  
Evey  
Frick  
Graham  
Geddes  
H. R. Green  
Grimshaw

## Mr. Harlan

Harvey  
Hatch  
Hay  
Hill  
Hunsaker  
Huribut  
Huston  
Jackson  
Jones  
Judd  
Kenner  
S. Kinney  
Kitchell  
Lasater  
Laughlin  
Lemon  
Linley  
Lockwood  
Logan  
McHatton  
Manly  
F. S. D. Marshall

## Mr. Minshall

Moffett  
Morris  
Norton  
Oliver  
Pace  
H. D. Palmer  
Peters  
Robinson  
Rountree  
Scates  
Shields  
Sibley  
Simpson  
Swan  
Thornton  
Trower  
Turnbull  
Turner  
Tutt  
Tuttle  
Vernor  
Webber.



Those voting in the negative, are,

Mr. Allen	Mr. Harding	Mr. J. M. Palmer
Ballingall	Hawley	Pinckney
Blakely	Hayes	Rives
Brockman	Heacock	Robbins
Churchill	Henderson	Roman
Colby	Hoes	Shumway
Constable	A. R. Knapp	Sim
Crain	N. M. Knapp	Singleton
R. J. Cross	Kreider	Spencer
S. J. Cross	Lander	Stadden
Dale	McCallen	Thompson
J. M. Davis	McCully	Williams
Dement	McClure	Witt
Dunlap	Markley	Whiteside
Dunsmore	Mieure	Whitney
Eccles	Miller	Woodson
Farwell	Moore	Worcester
P. Green	Nichols	Mr. President.
Gregg	Northcott	

On motion of Mr. Markley,

The report of the committee on Finance was taken from the table for consideration.

Mr. C. Edwards moved to substitute the following for the report:

#### ARTICLE —.

**SECTION 1.** There shall be annually assessed and collected, in the same manner as other state revenue may be assessed and collected, a tax of two mills upon each one dollar's worth of taxable property, in addition to all other taxes, to be applied as follows, to wit: The fund so created shall be kept separate, and shall, annually on the first day of January, be apportioned and paid over, *pro rata* upon all such state indebtedness, other than the canal and school indebtedness, as may for that purpose be presented by the holders of the same, to be entered as credits upon, and to that extent, in extinguishment of the principal of said indebtedness.

**SEC. 2.** Hereafter any tax payer may have an estimate made at any time of his proportion of the state indebtedness above provided for, by taking as data the whole of said indebtedness, principal and interest, due at the time of making the estimate—the then last assessment of the taxable property of such tax payer, and the aggregate of the then last assessment for the whole state, and may pay into the treasury the amount of such estimate, either in money or in such state indebtedness, and upon so paying shall be forever discharged from any and all further assessments on account of such state indebtedness, in respect of so much personal property as he then has, and of all such real estate as may be included in the estimated assessment, and such real estate shall be forever discharged from any and all further assessments on such account, into whosoever hands it may pass.

**SEC. 3.** Any state indebtedness coming into the treasury by virtue of the above section, shall be simply cancelled and destroyed, and any money so coming in shall be added to and applied as part of the aforesaid mill fund.



SEC. 4. This article shall be submitted to a vote of the people; and if voted for by a majority of all voting on the question, shall become a part of this constitution, and shall remain in force until the whole of the indebtedness therein provided for shall be paid, and no longer; and interest shall be counted only upon the original principal of said indebtedness, and the extinguished portions of said principal shall cease to draw interest at and from the respective times of their extinguishment. And it shall be the duty of the general assembly to make all necessary provision for carrying this article into effect in good faith.

On motion of Mr. Constable,

The report and substitute were laid on the table, and 250 copies ordered to be printed for the use of the convention, and the consideration of the report and substitute made the special order of the day for to-morrow, 3 o'clock, P. M.

On motion of Mr. Armstrong,

The report of the select committee to divide the state in three judicial grand divisions, as amended, was taken from the table for consideration.

On motion of Mr. T. Campbell,

The second section was amended by striking out the words "Princeton in Bureau," and by inserting in lieu thereof the words "Ottawa in La Salle."

Mr. D. Davis moved to amend the first section, by striking the counties of Tazewell and McLean from the third grand division, and attaching them to the second grand division.

Mr. Hogue proposed the following amendment:

"That all the counties in the first and third grand divisions be added to the second, and elect the supreme judges by general ticket."

On motion,

The convention adjourned until 3 o'clock, P. M.

### THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

On motion of Mr. E. O. Smith,

A call of the convention was ordered.

The call was proceeded in for some time, when it appeared that the following gentlemen were absent:

Messrs. Archer, Atherton, Bond, Brockman, Brown, Butler, T. Campbell, F. S. Casey, (sick) Constable, S. J. Cross, Deitz, Edmonson, (sick) Heacock, Hill, Hoes, Holmes, Jackson, James, W. C. Kinney, Knowlton, Mason, Matheny, Powers, Servant, Sharpe, Sherman, Turner, Tuttle, Vance, Wead, and Witt—32.

On motion,

Further proceedings under the call were dispensed with.

The rules having been temporarily suspended,

Mr. Colby offered for adoption the following resolution:

"Resolved, That a committee of three be appointed to procure the translation and printing of the copies of the constitution ordered by this con-



vention to be printed in the German and Norwegian languages, and that the translators be sworn to translate it correctly.

Mr. Thomas moved to amend the resolution so as to make it the duty of the secretary of state to procure said translation and printing.

The question was taken, and the amendment rejected.

Mr. Logan moved to amend the resolution so as to have a committee of three to attend to the translation into the German language, and a like committee to attend to the translation into the Norwegian language.

The question was taken on the amendment, and decided in the affirmative.

The question was taken on the adoption of the resolution, as amended, and decided in the affirmative.

*Ordered*, That Messrs. Colby, Roman, and Stadden, be the committee to procure the translation of the constitution into the German language, superintend the printing, &c.

*Ordered*, That Messrs. T. Campbell, Hurlbut, and Hoes, be the committee to procure the translation of the constitution into the Norwegian language, &c.

The question pending when the convention adjourned this morning, was on the amendment offered by Mr. Hogue to the amendment proposed by Mr. Davis to the first section of the report of the committee to divide the state into three judicial grand divisions.

Mr. D. Davis withdrew his amendment.

Mr. Logan offered the following amendment to the report:

"Sec. —. The foregoing districts may, after the taking of each census by the state, be altered, if necessary, to equalize the said districts in population; but such alteration shall be made by adding to such districts such adjacent county or counties as will make said district nearest equal in population; *Provided*, no such alteration shall effect the office of any judge then in office."

Mr. J. M. Campbell presented the substitute offered by Mr. Hogue this morning, as a substitute for the amendment.

On motion of Mr. Eccles,

The substitute was laid on the table,	{ Yeas, . . .	74
	{ Nays, . . .	61

Those voting in the affirmative, are,

Mr. Adams	Mr. Dummer	Mr. Harlan
Allen	Dunn	Harper
Anderson	Dunsmore	Hay
Atherton	Eccles	Heacock
Blair	C. Edwards	Hurlbut
Caldwell	N. W. Edwards	Jackson
Canady	Frick	Jones
Church	Graham	Judd
Churchill	Geddes	Kenner
D. Davis	H. R. Green	S. Kinney
J. M. Davis	P. Green	A. R. Knapp
T. G. C. Davis	Grimshaw	N. M. Knapp
Dawson	Harding	Knowlton



Mr. Knox  
Lander  
Lémon  
Lockwood  
Logan  
Loudon  
McCallen  
F. S. D. Marshall  
T. A. Marshall  
Mason  
Mieure  
Miller

Mr. Minshall  
Moffett  
Northcott  
Norton  
H. D. Palmer  
Pinckney  
Rives  
Robbins  
Shields  
Sibley  
Sim  
E. O. Smith

Mr. J. Smith  
Spencer  
Swan  
Thomas  
Thornton  
Trower  
Turnbull  
Turner  
Tuttle  
Williams  
Woodson.

Those voting in the negative, are,

Mr. Akin  
Archer  
Armstrong  
Ballingall  
Blakely  
Bosbyshell  
Brown  
Bunsen  
J. M. Campbell  
Carter  
Z. Casey  
Choate  
Colby  
Crain  
Dale  
Dement  
Dunlap  
Evey  
Farwell  
Gregg  
Harvey

Mr. Hatch  
Hawley  
Henderson  
Hogue  
Hunsaker  
Huston  
Jenkins  
Kitchell  
Kreider  
Lasater  
Laughlin  
Linley  
McCully  
McClure  
McHatton  
Manly  
Markley  
Moore  
Morris  
Nichols

Mr. Oliver  
Pace  
J. M. Palmer  
Peters  
Pratt  
Roman  
Rountree  
Scates  
Shunway  
Simpson  
Singleton  
Stadden  
Thompson  
Tutt  
Vernor  
Wead  
Webber  
Whiteside  
Worcester  
Mr. President.

Mr. Dement proposed the following as a substitute for the amendment:

“The qualified voters of each of the three grand divisions shall vote for the supreme judges, one of whom shall reside in and be taken from each of said divisions.”

On motion of Mr. Lockwood,

The substitute was laid on the table,

{Yeas,	:	:	73
{Nays,	:	:	67

Those voting in the affirmative, are,

Mr. Adams  
Caldwell  
Canady  
Church  
Churchill  
R. J. Cross  
D. Davis  
J. M. Davis  
T. G. C. Davis  
Dawson  
Dummer  
Dunsmore  
Eccles

Mr. C. Edwards  
N. W. Edwards  
Frick  
Graham  
Geddes  
H. R. Green  
P. Green  
W. B. Green  
Grimshaw  
Harding  
Harlan  
Harper  
Hay

Mr. Heacock  
Holmes  
Hurlbut  
Jackson  
Jones  
Judd  
Kenner  
S. Kinney  
A. R. Knapp  
N. M. Knapp  
Knowlton  
Knox  
Lander



Mr. Lemon	Mr. Northcott	Mr. Spencer
Lockwood	Norton	Swan
Logan	Pinckney	Thomas
Loudon	Rives	Thornton
McCallen	Robbins	Trower
F. S. D. Marshall	Robinson	Turnbull
T. A. Marshall	Roman	Turner
Mason	Shields	Tuttle
Mieure	Sim	West
Miller	E. O. Smith	Williams
Minshall	J. Smith	Woodson.
Moffett		

Those who voted in the negative, are,

Mr. Akin	Mr. Evey	Mr. Morris
Allen	Farwell	Nichols
Anderson	Gregg	Oliver
Archer	Harvey	Pace
Armstrong	Hatch	H. D. Palmer
Atherton	Hawley	J. M. Palmer
Ballingall	Henderson	Peters
Blair	Hogue	Pratt
Blakely	Hunsaker	Rountree
Bosbyshell	Huston	Scates
Brown	Jenkins	Shumway
Bunsen	Kitchell	Simpson
J. M. Campbell	Kreider	Singleton
T. Campbell	Lasater	Stadden
Carter	Laughlin	Thompson
Z. Casey	Linley	Tutt
Choate	McCully	Vernor
Colby	McClure	Wead
Crain	McHatton	Webber
Dale	Manly	Whiteside
Dement	Markley	Worcester
Dunlap	Moore	Mr. President.
Dunn		

On motion of Mr. Eccles,

The previous question was ordered.

The question was taken on agreeing to the amendment offered by Mr. Logan, and decided in the affirmative.

The question was taken on the adoption of the article, as amended, and decided in the affirmative.

On motion of Mr. Turnbull,

The article, as amended, was referred to the committee on the Revision of the Articles of the Constitution.

On motion of Mr. Harding,

The committee on Revision was instructed to insert after the word "for," in the second line of the third section, the words "with the consent of all the parties in the same."

On motion of Mr. Hayes,

The report submitted by him from the committee on Law Reform was taken from the table for consideration by sections.

The first section having been read, and Mr. Hayes having proceeded with remarks in reference to it until his time, under the rule, had expired,



On motion of Mr. C. Edwards,  
Leave was granted to Mr. Hayes further to proceed.

On motion of Mr. Woodson,  
The first section was laid on the table, { Yeas, : : : 69  
Nays, : : : 53

Those voting in the affirmative, are,

Mr. Adams	Mr. Harlan	Mr. Oliver
Anderson	Harper	H. D. Palmer
Blair	Harvey	J. M. Palmer
Bunsen	Hoes	Peters
T. Campbell	Hurlbut	Rives
Canady	S. Kinney	Robbins
Z. Casey	A. R. Knapp	Robinson
Choate	Knowlton	Rountree
Church	Knox	Scates
J. M. Davis	Lemon	Servant
Dawson	Lockwood	Shields
Deitz	Logan	Sibley
Dummer	Loudon	E. O. Smith
Dunn	McCully	Spencer
Dunsmore	McClure	Swan
Eccles	Manly	Thomas
C. Edwards	F. S. D. Marshall	Thornton
N. W. Edwards	T. A. Marshall	Trower
Frick	Mieure	Tuttle
Geddes	Miller	Vernor
H. R. Green	Minshall	West
W. B. Green	Moffett	Williams
Grimshaw	Norton	Woodson.

Those voting in the negative, are,

Mr. Archer	Mr. Hayes	Mr. Mason
Armstrong	Heacock	Morris
Atherton	Hogue	Nichols
Blakely	Hunsaker	Northcott
Caldwell	Huston	Pace
Carter	Jenkins	Pinckney
Churchill	Judd	Pratt
Dale	Kenner	Roman
T. G. C. Davis	Kitchell	Shumway
Dement	N. M. Knapp	Sim
Evey	Kreider	Simpson
Farwell	Lander	J. Smith
Graham	Lasater	Stadden
P. Green	Laughlin	Turner
Gregg	Linley	Webber
Harding	McCallen	Whiteside
Hawley	McHatton	Whitney
Hay	Markley	Mr. President.

The question was taken on the adoption of the second section, and decided in the affirmative.

Mr. Scates moved a reconsideration of the last vote.

The question was taken, and decided in the affirmative.

Mr. Hayes moved to amend the second section by striking out the words "all the laws," and to insert in lieu thereof the words "the gen-



eral assembly shall provide for such a codification of the laws now in force as to them may seem practicable and expedient, and such code with all the public laws hereafter passed.

Mr. Pratt offered the following as a substitute for the amendment:

“The legislature, at its first session after the adoption of this constitution, shall provide for the appointment of one or more commissioners whose duty it shall be to revise, reform, simplify and abridge the rules and practice, pleadings, forms, and proceedings of the courts of this state, and to report thereon to the legislature, subject to their adoption and modification from time to time.

On motion of Mr. Lockwood,

The report and amendment were laid on the table.

On motion of Mr. Grimshaw,

(The rules having been temporarily suspended.)

Ordered, That the ladies of the first Presbyterian church be permitted to use the senate chamber on Friday evening next.

On motion,

The convention adjourned.

## THURSDAY, AUGUST 26, 1847.

The convention assembled pursuant to adjournment.

Prayer by the Rev. Mr. Barger.

The journal of yesterday was read and corrected.

Mr. Caldwell moved for adoption the following

### RULES:

The various articles referred to the committee on Revision &c., as well as those hereafter referred, shall not be changed, altered, or amended, except to revise and correct the language thereof.

The report of the committee of Revision when made to the convention, shall be taken up and the amendments of such committee first considered, and after the action of the convention upon such amendments, the question shall then be upon the adoption of the whole report, and no division shall be had.

No further business shall be considered, except the reports now on the table, the report of the committee on Revision, and the reports of the committees on Schedule and Address.

On motion of Mr. Eccles,

The previous question was ordered.

Mr. Armstrong called for a division, so as to vote separately on each rule.

The question was taken, and the convention refused to order a division.

The question was taken, by yeas and nays, on the adoption of the rules,



And decided in the affirmative, { Yeas, : : : : 113  
 { Nays, : : : : 32

Those voting in the affirmative, are,

Mr. Adams	Mr. Harper	Mr. Northcott
Akin	Harvey	Oliver
Allen	Hawley	Pace
Anderson	Hay	H. D. Palmer
Archer	Hayes	J. M. Palmer
Atherton	Hill	Peters
Ballingall	Hogue	Pinckney
Blair	Holmes	Pratt
Blakely	Hunsaker	Rives
Bond	Hurlbut	Robbins
Brown	Jackson	Robinson
Bunsen	James	Roman
Caldwell	Jones	Rountree
Canaday	Kenner	Scates
Z. Casey	S. Kinney	Servant
Choate	Kitchell	Shields
Church	A. R. Knapp	Sibley
Constable	N. M. Knapp	Sim
S. J. Cross	Knowlton	E. O. Smith
D. Davis	Knox	J. Smith
J. M. Davis	Lander	Spencer
Dawson	Lasater	Swan
Deitz	Lemon	Thomas
Dummer	Lockwood	Thornton
Dunlap	Logan	Trower
Dunn	Loudon	Turnbull
Dunsmore	McCallen	Turner
Eccles	McCully	Tutt
C. Edwards	McClure	Tuttle
N. W. Edwards	McHatton	Vernor
Frick	Manly	Webber
Geddes	F. S. D. Marshall	West
H. R. Green	T. A. Marshall	Williams
P. Green	Mieure	Witt
W. B. Green	Miller	Whitney
Grimshaw	Minshall	Woodson
Harding	Moffett	Worcester.
Harlan	Nichols	

Those voting in the negative, are,

Mr. Armstrong	Mr. Evey	Mr. Laughlin
Bosbyshell	Farwell	Markley
Brockman	Graham	Mason
J. M. Campbell	Gregg	Moore
T. Campbell	Hatch	Shumway
Carter	Heacock	Stadden
Churchill	Henderson	Thompson
Colby	Huston	Wead
R. J. Cross	Jenkins	Whiteside
Dale	Judd	Mr. President.
Dement	Kreider	

Mr. Scates moved that the committee on Revision be instructed to report back the articles as fast as agreed on, and as fast as disposed of in convention, that they be passed to the printer.

On motion of Mr. Atherton,

The previous question was ordered.



The question was taken on the motion made by Mr. Scates, and decided in the negative.

On motion of Mr. Thomas,

The report of the committee on Education was taken from the table.

Mr. T. Campbell moved to strike out the 4th and 5th sections, and to insert the following in lieu thereof:

"SEC. —. The supervision of public instruction shall be vested in a state superintendent, and such other officers as the general assembly may direct. The state superintendent shall be elected by the qualified voters of the state; shall hold his office for the term of three years, and until his successor is elected and qualified, and shall receive a salary of one thousand five hundred dollars per annum. The general assembly shall provide for filling vacancies in the office of state superintendent. The duties and powers of state superintendent shall be prescribed and defined by law."

Mr. Atherton moved to lay the report and amendments on the table.

Mr. Logan called for a division of the question so as to vote first on laying the amendment on the table, and the convention seconded the call.

The question was taken, by yeas and nays, on laying the amendment on the table,

And decided in the negative,	{ Yeas,	:	:	:	:	63
	{ Nays,	:	:	:	:	75

Those voting in the affirmative, are,

<b>Mr. Akin</b>	<b>Mr. Hawley</b>	<b>Mr. Oliver</b>
Atherton	Hay	H. D. Palmer
Blair	Heacock	Rives
Bunsen	Hunsaker	Robbins
Caldwell	Jones	Robinson
Canaday	Kenner	Roman
Choate	Kitchell	Rountree
Crain	Kreider	Scates
D. Davis	Lasater	Shields
T. G. C. Davis	Lemon	Shumway
Dawson	Linley	Simpson
Deitz	Logan	E. O. Smith
Dummer	Loudon	J. Smith
Eccles	McHatton	Swan
N. W. Edwards	Markley	Thornton
Evey	F. S. D. Marshall	Turnbull
Frick	Matheny	Tuttle
P. Green	Mieure	Vernor
W. B. Green	Morris	Williams
Grimshaw	Nichols	Witt
Harlan	Northcott	Woodson.
Harper		

Those voting in the negative, are,

<b>Mr. Adams</b>	<b>Mr. Bosbyshell</b>	<b>Mr. Z. Casey</b>
Anderson	Brockman	Church
Armstrong	Brown	Churchill
Ballingall	J. M. Campbell	R. J. Cross
Blakely	T. Campbell	S. J. Cross
Bond	Carter	Dale



## Mr. J. M. Davis

Dement  
Dunlap  
Dunsmore  
C. Edwards  
Farwell  
Graham  
Geddes  
H. R. Green  
Gregg  
Harding  
Harvey  
Hatch  
Henderson  
Hoes  
Hogue  
Hurlbut  
Huston  
Jackson

## Mr. James

Jenkins  
Judd  
S. Kinney  
N. M. Knapp  
Knowlton  
Knox  
Lander  
Laughlin  
Lockwood  
McCallen  
McCully  
McClure  
Mason  
Miller  
Minshall  
Moffett  
Moore  
Norton

## Mr. Pace

J. M. Palmer  
Peters  
Pinckney  
Pratt  
Servant  
Sibley  
Sim  
Spencer  
Stadden  
Thompson  
Turner  
Tutt  
Webber  
West  
Whiteside  
Whitney  
Worcester  
Mr. President.

The question was taken on laying the report on the table, and decided in the negative.

Mr. J. M. Davis moved to amend the amendment by striking out all after the word "instruction," and to insert in lieu thereof the words "may be vested in a state superintendent, in such manner and with such compensation as the general assembly may direct."

Mr. T. Campbell modified his amendment by striking out the words "elected by the qualified voters of the state," and by inserting in lieu thereof the words "appointed by the governor, by and with the advice and consent of the senate," and by striking out the second word "elected," and by inserting in lieu thereof the word "appointed."

On motion of Mr. C. Edwards,

The convention adjourned.

## FRIDAY, AUGUST 27, 1847.

The convention assembled pursuant to adjournment.

Prayer by Rev. Mr. Bergen.

The journal of yesterday was read.

On motion of Mr. Constable,

A call of the convention was ordered;

The call was proceeded in for some time, and the following gentlemen were found to be absent:

Messrs. Adams, Anderson, Brown, Butler, F. S. Casey, (sick) T. G. C. Davis, (ill) Dement, Edmonson, (sick) C. Edwards, Farwell, P. Green, W. B. Green, Harvey, Hill, Jones, Logan, McCully, Manly, Matheny, H. D. Palmer, J. M. Palmer, Pinckney, Scates, (on committee) Servant, Sharpe, Sherman, Singleton, Thomas, (on committee) Thompson, Turner, Vance, Wead, and Worcester—33.

On motion of Mr. Archer,

Further proceedings under the call were dispensed with.



Mr. Caldwell offered for adoption the following sections:

SECTION 1. There shall be levied upon all the taxable property of this state, a tax of three mills upon every dollar's worth of such property; which, as collected, shall be faithfully applied to the payment of the internal improvement debt of this state.

SEC. 2. The collectors of the several counties of this state, in making collections of the tax provided for in the last section, shall receive in payment of said tax the indebtedness of this state incurred on account of the internal improvement system, or specie, in payment of said tax, on an assessment of two mills upon every dollar's worth of all the taxable property in this state.

SEC. 3. The general assembly shall, by law, make such provisions as will enable the holders of such indebtedness to deposite the same with the auditor of public accounts, and receive in lieu thereof certificates, in suitable sums, which shall be receivable in payment of the tax provided for in the first section.

On motion of Mr. D. Davis,

The sections were laid on the table, and 250 copies ordered to be printed for the use of the convention.

Mr. N. W. Edwards offered for adoption the following additional section:

"It shall be the duty of the legislature to ascertain upon what terms a satisfactory arrangement can be made with our creditors for the payment of the state debt, and if any agreement can be entered into that meets with the approbation of the general assembly, the law containing the terms of such compromise shall be submitted to the people, and if approved by a majority for and against the same, shall be irrevocable, and it shall be the duty of the general assembly to pass all laws necessary to enforce its provisions, and continue the same in force until the stipulations on the part of the state shall have been complied with."

On motion of Mr. D. Davis,

The additional section was laid on the table, and 250 copies ordered to be printed for the use of the convention.

The convention resumed the consideration of the report of the committee on Education.

The question pending when the convention adjourned on yesterday was on the amendment proposed by Mr. J. M. Davis for the amendment offered by Mr. T. Campbell for the 4th and 5th section of the report.

Mr. Armstrong moved to lay the amendment, proposed by Mr. J. M. Davis, on the table.

Mr. J. M. Davis withdrew his amendment.

Mr. Logan proposed the same amendment withdrawn by Mr. J. M. Davis

Mr. Pratt moved to lay the amendment on the table.

Mr. J. M. Davis moved the previous question.

Mr. T. Campbell modified his amendment by inserting after the word "governor," the words "by and with the advice and consent of the senate."

The question was taken, by yeas and nays, on laying the amendment offered by Mr. Logan, on the table,



And decided in the negative,	{ Yeas,	:	:	:	:	64
	{ Nays,	:	:	:	:	79

Those voting in the affirmative, are,

Mr. Archer	Mr. Hatch	Mr. Minshall
Armstrong	Hawley	Moffett
Ballingall	Heacock	Moore
Bosbyshell	Henderson	Peters
J. M. Campbell	Hoes	Pinckney
T. Campbell	Hurlbut	Pratt
Carter	Huston	Servant
Church	Judd	Sibley
Churchill	S. Kinney	J. Smith
Constable	W. C. Kinney	Spencer
R. J. Cross	A. R. Knapp	Stadden
Dement	N. M. Knapp	Thompson
Dummer	Knowlton	Turnbull
Dunlap	Knox	Turner
C. Edwards	Lasater	Tutt
Farwell	Laughlin	Wead
Graham	Lockwood	Webber
H. R. Green	McClure	Williams
Gregg	McHatton	Whitney]
Harding	Mason	Worcester
Harper	Miller	Mr. President.
Harvey		

Those voting in the negative, are,

Mr. Adams	Mr. Geddes	Mr. Morris
Akin	P. Green	Nichols
Anderson	Grimshaw	Northcott
Atherton	Harlan	Oliver
Blair	Hay	Pace
Blakely	Hayes	H. D. Palmer
Bond	Hogue	Rives
Brockman	Holmes	Robbins
Bunsen	Hunsaker	Robinson
Caldwell	Jackson	Roman
Canaday	James	Rountree
Z. Casey	Jenkins	Scates
Choate	Kenner	Shields]
Crain	Kitchell	Shumway
S. J. Cross	Kreider	Sim
Dale	Lander	Simpson
D. Davis	Lemon	E. O. Smith
J. M. Davis	Linley	Swan
T. G. C. Davis	Logan	Thornton
Dawson	Loudon	Trower
Deitz	McCallen	Tuttle
Dunn	McCully	Vance
Dunsmore	Markley	Vernor
Eccles	F. S. D. Marshall	Witt
N. W. Edwards	T. A. Marshall	Whiteside
Evey	Matheny	Woodson.
Frick		

The question was taken on ordering the previous question, and decided in the affirmative.



The question was taken, by yeas and nays, on agreeing to the amendment proposed by Mr. Logan to the amendment offered by Mr T. Campbell,

And decided in the affirmative,	{ Yeas,	:	:	:	:	82
	{ Nays,	:	:	:	:	63

Those voting in the affirmative, are,

<b>Mr. Adams</b>	<b>Mr. Grimshaw</b>	<b>Mr. Morris</b>
Akin	Harlan	Nichols
Anderson	Hay	Norton
Atherton	Hayes	Oliver
Blair	Hogue	Pace
Blakely	Holmes	H. D. Palmer
Bond	Hunsaker	Rives
Bunsen	Jackson	Robbins
Caldwell	James	Robinson
Canady	Jenkins	Roman
Ladok Casey	Kenner	Rountree
Choate	Kitchell	Scates
Crain	Knox	Shields
S. J. Cross	Kreider	Shumway
Dale	Lander	Sim
D. Davis	Lasater	Simpson
J. M. Davis	Lemon	E. O. Smith
T. G. C. Davis	Linley	J. Smith
Dawson	Logan	Thornton
Deitz	Loudon	Trower
Dunn	McCallen	Tuttle
Dunsmore	McCully	Vance
Eccles	Markley	Vernor
N. W. Edwards	F. S. D. Marshall	Williams
Evey	T. A. Marshall	Witt
Frick	Matheny	Whiteside
Geddes	Mieure	Woodson.
P. Green		

Those voting in the negative, are,

<b>Mr. Archer</b>	<b>Mr. Harper</b>	<b>Mr. Minshall</b>
Armstrong	Harvey	Moffet
Ballingall	Hatch	Moore
Bosbyshell	Hawley	Northcott
Brockman	Heacock	Peters
Brown	Henderson	Pinckney
J. M. Campbell	Hoes	Pratt
T. Campbell	Hurlbut	Servant
Carter	Huston	Sibley
Church	Judd	Spencer
Churchill	S. Kinney	Stadden
Constable	W. C. Kinney	Swan
R. J. Cross	A. R. Knapp	Thompson
Dement	N. M. Knapp	Turnbull
Dummer	Knowlton	Turner
Dunlap	Laughlin	Wead
C. Edwards	Lockwood	Webber
Farwell	McClure	West
Graham	McHatton	Whitney
H. R. Green	Mason	Worcester
Gregg	Miller	Mr. President.
Harding		



Mr. Pratt called for a division, so as to vote first on striking out the 4th and 5th sections.

The question was taken, and the convention refused to order a division.

The question was taken, by yeas and nays, on the adoption of the amendment, as amended,

And decided in the affirmative,	{Yeas,	:	:	:	:	82
	{Nays,	:	:	:	:	63

Those voting in the affirmative, are,

Mr. Adams	Mr. Hay	Mr. Morris
Akin	Hayes	Nichols
Agderron	Hogue	Oliver
Atherton	Holmes	Pace
Blair	Hunsaker	H. D. Palmer
Blakely	Jackson	Rives
Bond	James	Robbins
Bunsen	Jenkins	Robinson
Caldwell	Kenner	Roman
Canady	Kitchell	Rountree
Z Casey	A. R. Knapp	Scates
Choate	Knox	Shields
Crain	Kreider	Shumway
S. J. Cross	Lander	Sim
Dale	Lasater	Simpson
D. Davis	Lemon	E. O. Smith
J. M. Davis	Linley	J. Smith
Dawson	Logan	Thornton
Dunn	Loudon	Trower
Dunsmore	McCauley	Turnbull
Eccles	McCully	Tuttle
N W. Edwards	McHatton	Vance
Evey	Markley	Vernor
Frick	F. S. D. Marshall	Williams
Geddes	T. A. Marshall	Witt
P. Green	Matheny	Whiteside
Grimshaw	Mieure	Woodson.
Harlan		

Those voting in the negative, are,

Mr. Archer	Mr. Gregg	Mr. Minshall
Armstrong	Harding	Moffett
Ballingall	Harper	Moore
Bosbyshell	Harvey	Northcott
Brockman	Hatch	Peters
Brown	Hawley	Pinckney
J. M. Campbell	Heacock	Pratt
T. Campbell	Henderson	Servant
Carter	Hoes	Sibley
Church	Hurlbut	Spencer
Churchill	Huston	Stadden
Constable	Judd	Swan
R. J. Cross	S. Kinney	Thompson
T. G. C. Davis	W. C. Kinney	Turner
Deitz	N. M. Knapp	Tutt
Dement	Knowlton	Wead
Dumner	Laughlin	Webber
Dunlap	Lockwood	West
C. Edwards	McClure	Whitney
Farwell	Mason	Worcester
Graham	Miller	Mr. President.
H. R. Green		



On motion of Mr. Armstrong,

*Ordered*, That the report be considered by sections.

Mr. Logan moved to amend the report by adding the following section:

"*Seq.* —. All money hereafter received from the government of the United States, on account or for the benefit of the school, college and seminary fund, or either of them, be appropriated to the payment of the bonds of this state held by the government of the United States in trust for the Smithsonian Institute, until said bonds are discharged, and the amount so paid shall be added to the school fund, and interest thereon shall be promptly paid."

Mr. Deitz offered the following as a substitute:

"All moneys hereafter received from the government of the United States, on account or for the benefit of the school, college and seminary fund, or either of them, shall be invested in the outstanding bonds of this state, at their market value, so long as any bonds are outstanding, and it shall be the duty of the general assembly to make provision for the punctual payment of the interest on the bonds so purchased."

On motion of Mr. Moffett,

The previous question was ordered.

Mr. Dement moved a call of the convention.

The question was taken, and decided in the negative.

The question was taken, by yeas and nays, on the adoption of the substitute,

And decided in the affirmative,	{ Yeas,	:	:	:	:	75
	{ Nays,	:	:	:	:	70

Those voting in the affirmative, are,

Mr. Adams  
Atherton  
Blair  
Bond  
Brown  
Bunsen  
Canady  
Church  
Churchill  
Constable  
R. J. Cross  
D. Drvis  
Dawson  
Deitz  
Dunn  
Dunsmore  
Eccles  
C. Edwards  
N. W. Edwards  
Evey  
Frick  
Graham  
Geddes  
H. R. Green  
P. Green

Mr. Grimshaw  
Harding  
Harlan  
Harper  
Hawley  
Hay  
Holmes  
Jackson  
Judd  
Kenner  
S. Kinney  
A. R. Knapp  
N. M. Knapp  
Knox  
Lander  
Lemon  
Lockwood  
Logan  
Loudon  
F. S. D. Marshall  
T. A. Marshall  
Mason  
Matheny  
Mieure  
Miller

Mr. Moffett  
Northcott  
H. D. Palmer  
Pinckney  
Rives  
Robinson  
Scates  
Sibley  
Sim  
E. O. Smith  
Spencer  
Swan  
Thomas  
Thornton  
Trower  
Turnbull  
Turner  
Tuttle  
Vance  
West  
Williams  
Witt  
Whitney  
Woodson  
Worcester.



Those voting in the negative, are,

Mr. Akin  
Anderson  
Armstrong  
Ballingall  
Blakely  
Bosbyshell  
Brockman  
Caldwell  
J. M. Campbell  
T. Campbell  
Carter  
Z. Casey  
Choate  
Colby  
Crain  
S. J. Cross  
Dale  
J. M. Davis  
T. G. C. Davis  
Dement  
Dummer  
Dunlap  
Farwell  
Gregg

Mr. Harvey  
Hatch  
Hayes  
Heacock  
Henderson  
Hoes  
Hogue  
Hunsaker  
Huston  
James  
Jenkins  
W. C. Kinney  
Kitchell  
Knowlton  
Kreider  
Lasater  
Laughlin  
Linley  
McCully  
McClure  
McHatton  
Markley  
Moore

Mr. Morris  
Nichols  
Norton  
Oliver  
Pace  
Peters  
Pratt  
Robbins  
Roman  
Rountree  
Servant  
Shields  
Shumway  
Simpson  
J. Smith  
Stadden  
Thompson  
Tutt  
Vernor  
Wead  
Webber  
Whiteside  
Mr. President.



The question was taken, by yeas and nays, on the adoption of the additional section, as amended,

And decided in the affirmative,	{ Yeas,	:	:	:	:	72
	{ Nays,	:	:	:	:	69

Those voting in the affirmative, are,

Mr. Adams  
Blair  
Bond  
Brown  
Church  
Churchill  
Constable  
R. J. Cross  
D. Davis  
Dawson  
Deitz  
Dunn  
Dunsmore  
Eccles  
C. Edwards  
N. W. Edwards  
Evey  
Graham  
Geddes  
H. K. Green  
P. Green  
Grimshaw  
Harding  
Harlan

Mr. Harper  
Hawley  
Hay  
Heacock  
Holmes  
Jackson  
Judd  
Kenner  
S. Kinney  
A. R. Knapp  
N. M. Knapp  
Knox  
Lander  
Lemon  
Lockwood  
Logan  
Loudon  
F. S. D. Marshall  
T. A. Marshall  
Mason  
Matheny  
Mieure  
Miller  
Moffett

Mr. Northcott  
H. D. Palmer  
Pinckney  
Rives  
Robinson  
Scates  
Sibley  
Sim  
E. O. Smith  
Spencer  
Swan  
Thomas  
Thornton  
Trower  
Turnbull  
Turner  
Tuttle  
Vance  
West  
Williams  
Witt  
Whitney  
Woodson  
Worcester.



Those voting in the negative, are,

Mr. Akin	Mr. Farwell	Mr. Markley
Armstrong	Gregg	Morris
Atherton	Harvey	Nichols
Ballingall	Hatch	Norton
Blakely	Hayes	Oliver
Bosbyshell	Henderson	Pace
Brockman	Hoes	Peters
Bunsen	Hogue	Pratt
Caldwell	Hunsaker	Robbins
J. M. Campbell	Huston	Roman
T. Campbell	James	Rountree
Canady	Jenkins	Shields
Carter	W. C. Kinney	Shumway
Z. Casey	Kitchell	Simpson
Choate	Knowlton	J. Smith
Colby	Kreider	Stadden
Crain	Lasater	Thompson
S. J. Cross	Laughlin	Tutt
Dale	Linley	Vernor
J. M. Davis	McCallen	Wead
T. G. C. Davis	McCully	Webber
Dement	McClure	Whiteside
Dunlap	McHatton	Mr. President.

Mr. Scates moved to add at the end of the second line of the first section, the words "and also the moneys arising from the sale of the sixteenth section."

On motion of Mr. Turnbull,

The amendment was laid on the table.

Mr. J. M. Davis moved to amend the report by adding the following as an additional section:

"SEC. —. The interest due to the several counties of this state, from the school, college and seminary fund, shall be paid annually to the proper officer of said counties in gold and silver."

On motion of Mr. Constable,

The question was taken, by yeas and nays, on the reconsideration of the vote ordering the report to be considered by sections,

And decided in the affirmative,	{ Yeas,	.	.	.	.	72
	{ Nays,	.	.	.	.	59

Those voting in the affirmative, are,

Mr. Akin	Mr. Crain	Mr. Hay
Armstrong	S. J. Cross	Hayes
Atherton	Dale	Heacock
Blair	J. M. Davis	Henderson
Blakely	Dement	Hoes
Brockman	Dummer	Hogue
Brown	Dunlap	Huston
Bunsen	Dunn	Jackson
T. Campbell	C. Edwards	James
Carter	Farwell	Jenkins
Z. Casey	Frick	W. C. Kinney
Choate	Gregg	Kitchell
Colby	Harvey	Knowlton
Constable	Hatch	Knox



Mr. Kreider  
Lasater  
Laughlin  
Linley  
Lockwood  
McCallen  
McCully  
McClure  
McHatton  
Markley

Mr. Morris  
Nichols  
Norton  
Oliver  
Pace  
Peters  
Robbins  
Roman  
Rountree  
Shields

Mr. Shumway  
Stadden  
Tutt  
Vernor  
Wead  
Webber  
West  
Williams  
Whiteside  
Mr. President.

Those voting in the negative, are,

Mr. Adams  
Bond  
J. M. Campbell  
Canady  
Church  
Churchill  
R. J. Cross  
D. Davis  
Dawson  
Deitz  
Eccles  
N. W. Edwards  
Evey  
Graham  
Geddes  
P. Green  
Harding  
Harlan  
Harper  
Hawley

Mr. Judd  
Kenner  
S. Kinney  
A. R. Knapp  
N. M. Knapp  
Lander  
Lemon  
Logan  
Loudon  
F. S. D. Marshall  
T. A. Marshall  
Mason  
Matheny  
Mieure  
Miller  
Moffett  
Moore  
Northcott  
H. D. Palmer  
Pinckney

Mr. Rives  
Robinson  
Scates  
Servant  
Sibley  
Sim  
E. O. Smith  
Spencer  
Swan  
Thomas  
Thornton  
Trower  
Turnbull  
Turner  
Tuttle  
Witt  
Whitney  
Woodson  
Worcester.

On motion of Mr. Constable,

The whole subject was laid on the table, { Yeas, . . . 73  
Nays, . . . 58

Those voting in the affirmative, are,

Mr. Akin  
Archer  
Armstrong  
Atherton  
Blair  
Blakely  
Brockman  
Brown  
Bunsen  
J. M. Campbell  
T. Campbell  
Carter  
Z. Casey  
Choate  
Colby  
Constable  
Crain  
S. J. Cross  
Dale  
J. M. Davis  
Dement  
Dummer  
Dunlap  
Dunn  
C. Edwards

Mr. Farwell  
Frick  
Gregg  
Grimshaw  
Harvey  
Hatch  
Hay  
Hayes  
Heacock  
Henderson  
Hoes  
Hogue  
Hunsaker  
Huston  
Jackson  
James  
Jenkins  
Kitchell  
Knowlton  
Knox  
Kreider  
Lasater  
Laughlin  
Linley

Mr. Lockwood  
McCallen  
McCully  
McClure  
McHatton  
Markley  
Morris  
Norton  
Oliver  
Pace  
Peters  
Rives  
Robbins  
Roman  
Rountree  
Shields  
Shumway  
Stadden  
Tutt  
Vernor  
Wead  
Webber  
Williams  
Mr. President.



Those voting in the negative, are,

Mr. Adams	Mr. Judd	Mr. Scates
Bond	Kenner	Servant
Bosbyshell	S. Kinney	Sibley
Canady	A. R. Knapp	Sim
Church	N. M. Knapp	E. O. Smith
Churchill	Lander	Spencer
R. J. Cross	Lemon	Swan
D. Davis	Logan	Thomas
Dawson	F. S. D. Marshall	Thornton
Deitz	T. A. Marshall	Trower
Eccles	Mason	Turnbull
N. W. Edwards	Matheny	Turner
Evey	Mieure	Tuttle
Graham	Moffett	West
Geddes	Moore	Witt
P. Green	Northcott	Whiteside
Harding	H. D. Palmer	Whitney
Harlan	Pinckney	Woodson
Harper	Robinson	Worcester.
Hawley		

Mr. Scates moved that the vacancy occasioned in the committee to prepare a schedule, by the absence of Mr. Manly from the fourth judicial circuit, be filled by the president.

Mr. E. O. Smith moved that the convention adjourn until 3 o'clock.

The question was taken, and decided in the negative.

Mr. Woodson moved that the convention adjourn until 2 o'clock.

The question was taken, and decided in the negative.

Mr. Thomas moved to adjourn until 4 o'clock.

The question was taken and decided in the negative.

The question was taken on the motion made by Mr. Scates, and decided in the affirmative.

*Ordered*, That Mr. Hayes be appointed on the committee to prepare a schedule, in place of Mr. Manly, who is absent.

On motion,

The convention adjourned until 3 o'clock, P. M.

### THREE O'CLOCK, P. M.

Convention assembled pursuant to adjournment.

Mr. C. Edwards, from the committee on the Revision and Adjustment of the Articles of the Constitution, which was instructed by resolution to inquire into the expediency of amending article 7th of the present constitution, reported the following as an additional section:

"SEC. —. Whenever two-thirds of all the members elected to each branch of the general assembly shall think it necessary to alter or amend this constitution, they shall recommend to the electors at the next election of members to the general assembly, to vote for or against a convention; and if it shall appear that a majority of all the electors of the state voting for representatives have voted for a convention, the general as.



sembly shall, at their next session, call a convention, to consist of as many members as the house of representatives at the time of making said call, to be chosen in the same manner, at the same place, and by the same electors, in the same districts that choose the said general assembly, and which convention shall meet within three months after the said election, for the purpose of revising, altering, or amending this constitution."

Mr. Kenner offered the following as a substitute for the reported section:

### ARTICLE —.

SECTION 1. Any amendment or amendments to this constitution may be proposed in either branch of the general assembly, and if the same shall be agreed to by two-thirds of all the members elect in each of the two houses, such proposed amendment or amendments shall be referred to the next regular session of the general assembly, and shall be published at least three months previous to the time of holding the next election for members of the house of representatives, and if (at the next regular session of the general assembly after the said election,) a majority of all the members elect in each branch of the general assembly shall agree to said amendment or amendments, then it shall be their duty to submit the same to the people at the next general election for their adoption or rejection, in such manner as may be prescribed by law, and if a majority of the electors voting at such election for members of the house of representatives shall vote for such amendment or amendments, the same shall become a part of the constitution. But the general assembly shall not have power to propose an amendment or amendments to more than one article of the constitution at the same session.

SEC. 2. At the general election to be held in the year 1846, and every twentieth year thereafter, the general assembly shall provide by law for the question to be voted on, to wit: "Shall there be a convention called to alter, revise or amend the constitution," and if a majority of all the electors voting for members of the house of representatives shall vote in favor of the call of a convention for the purposes aforesaid, the general assembly, at its next regular session, shall provide by law for the election of the same number of delegates, to be chosen at the same places and in the same districts which compose the members of the general assembly calling such convention.

On motion of Mr. Servant,

The rules having been temporarily suspended,

The committee to prepare a schedule were granted leave to sit during the sittings of the convention.

Mr. McCallen moved to lay the substitute on the table.

The question was taken, by yeas and nays,

And decided in the negative,	{ Yeas,	:	:	:	:	63
	{ Nays,	:	:	:	:	71



Those voting in the affirmative, are,

Mr. Akin	Mr. Dunn	Mr. McHatton
Allen	C. Edwards	Markley
Anderson	Evey	F. S. D. Marshall
Archer	Geddes	Mieure
Armstrong	H. R. Green	Morris
Ballingall	Grimshaw	Oliver
Blair	Hatch	Pace
Brockman	Hogue	H. D. Palmer
Bunsen	Holmes	Powers
Caldwell	Jackson	Pratt
J. M. Campbell	Judd	Robinson
T. Campbell	S. Kinney	Roman
Canady	N. M. Knapp	Rountree
Carter	Knowlton	Shumway
Z. Casey	Kreider	Simpson
S. J. Cross	Lasater	J. Smith
Dale	Laughlin	Spencer
J. M. Davis	Lemon	Swan
T. G. C. Davis	Linley	Trower
Dawson	McCaillen	Turner
Dunlap	McCully	Webber.

Those voting in the negative, are,

Mr. Adams	Mr. Henderson	Mr. Norton
Atherton	Hoes	Peters
Blakely	Hunsaker	Pinckney
Bond	Huston	Rives
Brown	James	Robbins
Choate	Jenkins	Shields
Church	Jones	Sibley
Churchill	Kenner	Sim
Crain	Kitchell	Thomas
D. Davis	A. R. Knapp	Thompson
Dummer	Knox	Turnbull
Dunsmore	Lander	Tutt
Eccles	Lockwood	Tuttle
N. W. Edwards	Logan	Vance
Frick	Loudon	Vernor
Graham	McClure	West
P. Green	T. A. Marshall	Williams
Gregg	Matheny	Witt
Harding	Miller	Whiteside
Harlan	Minshall	Whitney
Harper	Moffett	Woodson
Harvey	Moore	Worcester
Hawley	Nichols	Mr. President.
Hay	Northcott	

Mr. Kenner withdrew his substitute, and offered the first section thereof, as an addition to the reported section.

The question was taken on agreeing to the addition proposed by Mr. Kenner, and decided in the affirmative.

Mr. Minshall moved to amend the report by striking out the words "said general assembly," and inserting in lieu thereof the words "members of the house of representatives."

The question was taken, and the amendment agreed to.

Mr. Rountree moved to amend the first section of the amended report, by striking out the words "house of representatives," and inserting in lieu thereof, the words "the general assembly."



The question was taken, and the amendment rejected.

The question was taken on the adoption of the report, as amended, and decided in the affirmative.

On motion,

The article was referred to the committee on Revision, &c.

On motion of Mr. C. Edwards,

The use of the hall of the house of representatives was granted to the Illinois Colonization society on to-morrow evening.

On motion of Mr. Woodson,

The report of the committee on Finance was taken from the table for consideration.

The question pending when the said report was last laid on the table, was on the amendment offered by Mr. C. Edwards, as a substitute for the reported article.

Mr. Caldwell offered as a substitute for the amendment, the propositions submitted by him this morning as additional sections.

The question was taken and the substitute for the amendment rejected.

Mr. N. W. Edwards offered as a substitute for the amendment the additional section offered by him this morning.

Mr. C. Edwards withdrew the second and third sections of his amendment.

Mr. Logan moved to lay the substitute on the table.

Mr. Akin moved to lay the whole subject on the table.

Mr. Logan called for a division, so as to vote first on laying the substitute on table.

The question was taken, by yeas and nays, on the substitute offered by Mr. N. W. Edwards,

And decided in the affirmative,	{ Yeas,	:	:	:	:	92
	{ Nays,	:	:	:	:	38

Those voting in the affirmative, are,

Mr. Akin  
Anderson  
Archer  
Armstrong  
Atherton  
Ballingall  
Bosbyshell  
Brockman  
Brown  
Bunsen  
J. M. Campbell  
Carter  
Z. Casey  
Choate  
Churchill  
Colby  
Constable  
Crain  
S. J. Cross  
Dale  
J. M. Davis  
T. G. C. Davis  
Dummer

Mr. Dunlap  
Dunn  
Dunsmore  
Eccles  
C. Edwards  
Evey  
Frick  
Geddes  
P. Green  
Gregg  
Grimshaw  
Harding  
Harper  
Harvey  
Hatch  
Hayes  
Heacock  
Henderson  
Hill  
Hoes  
Hogue  
Hurlbut  
Jackson

Mr. S. Kinney  
A. K. Knapp  
Kreider  
Lasater  
Laughlin  
Lemon  
Logan  
Loudon  
McCallen  
McCully  
McClure  
Markley  
F. S. D. Marshall  
Mason  
Matheny  
Minshall  
Moffett  
Nichols  
Northcott  
Norton  
Oliver  
Pace



Mr. H. D. Palmer  
Peters  
Pinckney  
Rives  
Scates  
Servant  
Sharpe  
Sibley

Mr. Simpson  
E. O. Smith  
J. Smith  
Stadden  
Swan  
Thomas  
Turnbull  
Turner

Mr. Tutt  
Vance  
Vernor  
Wead  
Webber  
Williams  
Whiteside  
Mr. President.

Those voting in the negative, are,

Mr. Bond  
Caldwell  
D. Davis  
Dawson  
N. W. Edwards  
Graham  
Harlan  
Hawley  
Hay  
Hunsaker  
Huston  
James  
Jenkins

Mr. Judd  
Kenner  
W. C. Kinney  
Kitchell  
N. M. Knapp  
Knowlton  
T. A. Marshall  
Mieure  
Miller  
Moore  
Robbins  
Robinson  
Roman

Mr. Rountree  
Shields  
Shumway  
Sim  
Spencer  
Thornton  
Trower  
Tuttle  
West  
Witt  
Woodson  
Worcester.

The question was taken on laying the whole subject on the table, and decided in the negative.

Mr. Caldwell offered the following as a substitute for the amendment.

## ARTICLE — .

**SECTION 1.** There shall be levied upon all the taxable property in this state, an alternate tax of two mills in state indebtedness and of one mill in specie, on every dollar's worth of such property; which as collected shall be faithfully applied to the payment of the internal improvement debt of this state.

**SEC. 2.** The collectors of the several counties of this state, in making collections of the two mill tax provided for in the last section, shall receive in payment of said tax, the indebtedness of this state incurred on account of the internal improvement system, or specie in payment of said one mill tax, and the payment of either of said assessments shall be a discharge from the other.

**SEC. 3.** The general assembly shall by law make such provision as will enable the holders of such indebtedness to deposite the same with the auditor of public accounts, and receive in lieu thereof certificates in suitable sums, which shall be receivable in payment of the two mill tax above provided for; *Provided*, that the foregoing sections shall be submitted as a separate article to the people, for the acceptance or rejection of a majority of them voting for and against the same.

On motion of Mr. Constable,

The previous question was ordered.

On motion of Mr. Ballingall,

The last vote taken was reconsidered.

On motion,

The convention adjourned.



SATURDAY, AUGUST 28, 1847.

The convention assembled pursuant to adjournment.

Prayer by the Rev. Mr. Barger.

The journal of yesterday was read and corrected.

Mr. Caldwell withdrew the amendment last offered by him, on yesterday evening.

On motion of Mr. Thomas,

The rules were temporarily suspended to enable him to make a report, when he, from the committee on the Revision and Adjustment of the Articles of the constitution, to which had been referred articles adopted, reported the same back to the convention with sundry amendments, accompanied by an engrossed copy of said articles, as by the committee proposed to be amended; which amendments were severally read.

And the question being taken on concurring with the committee in the report, it was decided in the affirmative.

On motion of Mr. Armstrong,

The 22d section of article V was amended by striking out the words "clerks, justices of the peace."

On motion of Mr. Thomas,

The preamble was amended by substituting for it the following:

"We, the people of the state of Illinois, grateful to Almighty God, for the civil, political, and religious liberty which He has so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations, in order to form a more perfect government, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the state of Illinois."

The question was taken, and the preamble, as amended, adopted.

On motion of Mr. Thomas,

*Ordered*, That the articles be enrolled, as amended, omitting the numbering of articles and sections, and that 250 of the copies printed for distribution be returned to the convention, immediately, for its use.

The convention resumed the consideration of the report of the committee on Finance, with the amendment pending thereto, submitted by Mr. C. Edwards.

The question pending when the convention adjourned on yesterday, was on the motion demanding the previous question.

Mr. Constable withdrew the motion.

Mr. Hurlbut moved the previous question.

Mr. J. M. Campbell moved to adjourn until 3 o'clock, P. M.

The question was taken, and decided in the negative.

Mr. Witt moved to adjourn until 2 o'clock, P. M.

The question was taken, and decided in the negative.

The question was taken, by yeas and nays, on ordering the previous question,



And decided in the affirmative, { Yeas, : : : : 63  
 { Nays, : : : : 58

Those voting in the affirmative, are,

Mr. Adams	Mr. Harlan	Mr. Pinckney
Akin	Harper	Rives
Anderson	Hawley	Robbins
Blair	Hill	Robinson
Bond	Hunsaker	Roman
Brown	Hurlbut	Rountree
Z. Casey	Jackson	Shields
Choate	James	Sibley
Constable	N. M. Knapp	Sim
J. M. Davis	Knowlton	E. O. Smith
Dawson	Knox	J. Smith
Deitz	Lemon	Swan
Dummer	Lockwood	Thornton
Dunn	Logan	Turnbull
Eccles	F. S. D. Marshall	Turner
Frick	T. A. Marshall	Tutt
Graham	Mieure	Tuttle
Geddes	Minshall	Vernor
P. Green	Moffett	West.
Grimshaw	Northcott	Williams
Harding	H. D. Palmer	Witt.

Those voting in the negative, are,

Mr. Archer	Mr. Harvey	Mr. McClure
Armstrong	Hatch	Markley
Ballingall	Hayes	Mason
Bosoyshell	Heacock	Matheny
Brockman	Henderson	Moore
Bunsen	Hoes	Morris
J. M. Campbell	Hogue	Norton
Church	Huston	Pace
Churchill	Jenkins	Peters
Colby	Judd	Scates
Crain	Kenner	Shumway
R. J. Cross	S. Kinney	Simpson
S. J. Cross	Kitchell	Spencer
Dale	A. R. Knapp	Stadden
Dement	Kreider	Webber
Dunlap	Lasater	Whiteside
C. Edwards	Laughlin	Woodson
N. W. Edwards	McCallen	Worcester
Evey	McCully	Mr. President.
Gregg		

Mr. Geddes moved that the convention adjourn until 3 o'clock.

The question was taken, and decided in the negative.

Mr. Hogue moved that the convention adjourn until 2 o'clock, P. M.

The question was taken, and decided in the negative.

Mr. Archer moved a division of the question.

The question was taken, and the convention refused to order a division.

The question was taken, by yeas and nays, on agreeing to the substitute offered and modified by Mr. C. Edwards,



And decided in the affirmative,	{ Yeas,	:	:	:	96
	{ Nays,	:	:	:	27

Those voting in the affirmative, are,

Mr. Adams	Mr. Harding	Mr. Matheny
Anderson	Harlan	Mieure
Armstrong	Harper	Minshall
Ballingall	Harvey	Moffett
Blair	Hatch	Moore
Bond	Hawley	Northcott
Brown	Hayes	Norton
Bunsen	Heacock	H. D. Palmer
Z. Casey	Henderson	Peters
Choate	Hill	Pinckney
Church	Hoes	Rives
Churchill	Hurlbut	Robbins
Constable	Huston	Roman
R. J. Cross	Jackson	Rountree
Dale	Judd	Shields
D. Davis	Kenner	Shumway
J. M. Davis	S. Kinney	Sibley
T. G. C. Davis	Kitchell	E. O. Smith
Dawson	A. R. Knapp	J. Smith
Deitz	N. M. Knapp	Spencer
Dummer	Knowlton	Stadden
Dunlap	Knox	Swan
Dunn	Laughlin	Thornton
Eccles	Lemon	Turnbull
C. Edwards	Lockwood	Turner
Evey	Logan	Tuttle
Frick	McCallen	Webber
Graham	McCully	West
Geddes	McClure	Williams
P. Green	Markley	Woodson
Gregg	F. S. D. Marshall	Worcester
Grimshaw	T. A. Marshall	Mr. President.

Those voting in the negative, are,

Mr. Akin	Mr. Hogue	Mr. Pace
Archer	Hunsaker	Robinson
Brockman	James	Scates
J. M. Campbell	Jenkins	Sim
Carter	Kreider	Simpson
Crain	Lasater	Tutt
S. J. Cross	McHatton	Vernor
Dement	Mason	Witt
N. W. Edwards	Morris	Whiteside.

The question was taken, by yeas and nays, on the adoption of the report, as amended,

And decided in the affirmative,	{ Yeas,	:	:	:	:	97
	{ Nays,	:	:	:	:	23



Those voting in the affirmative, are,

Mr. Adams	Mr. Harper	Mr. Moore
Anderson	Hatch	Northcott
Armstrong	Hayes	Norton
Ballingall	Heacock	H. D. Palmer
Bond	Henderson	Peters
Brockman	Hill	Pinckney
Brown	Hurlbut	Pratt
Bunsen	Huston	Rives
Canaday	Jackson	Robbins
Z. Casey	Judd	Roman
Choate	Kenner	Scates
Church	S. Kinney	Shields
Churchill	Kitchell	Shumway
Constable	A. R. Knapp	Sibley
Dale	N. M. Knapp	Simpson
D. Davis	Knowlton	E. O. Smith
J. M. Davis	Knox	J. Smith
T. G. C. Davis	Kreider	Spencer
Dawson	Laughlin	Stadden
Deitz	Lemon	Swan
Dummer	Lockwood	Thornton
Dunlap	Logan	Turnbull
Dunn	McCallen	Turner
Eccles	McCully	Tuttle
C. Edwards	McClure	Vance
Evey	Markley	Webber
Frick	F. S. D. Marshall	West
Graham	T. A. Marshall	Williams
Geddes	Matheny	Whiteside
P. Green	Mieure	Woodson
Grimshaw	Minshall	Worcester
Harding	Moffett	Mr. President.
Harlan		

Those voting in the negative, are,

Mr. Akin	Mr. Hogue	Mr. Pace
Archer	Hunsaker	Robinson
J. M. Campbell	James	Rountree
Carter	Jenkins	Sim
Crain	Lasater	Tutt
S. J. Cross	McHatton	Vernor
Dement	Mason	Witt.
N. W. Edwards	Morris	

On motion,

The article, as adopted, was referred to the committee on Revision &c.

On motion,

The convention adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

On motion of Mr. Thomas,

The vote on the adoption of a resolution, a few days since orderin



the printing of 50,000 copies of the amended constitution for distribution, was reconsidered.

Mr. Thomas moved the printing of 150 copies for each member.

Mr. Armstrong moved 200.

The question was taken on printing 200 copies for each member, and decided in the affirmative.

The question was taken on the adoption of the resolution, as amended, and decided in the affirmative.

On motion of Mr. Kitchell,

*Resolved*, That the number of copies of the new constitution ordered to be printed in the German and Norwegian languages, when printed, be equally distributed among the German and Norwegian population of this state, and that the several members of this convention report to the respective committees appointed to procure the printing of the constitution in the said languages the number of such German or Norwegian population in their respective counties.

On motion of Mr. Dale,

The report of the committee on Agriculture &c., was taken from the table for consideration.

Mr. Akin moved to lay the report on the table.

The question was taken, by yeas and nays,

And decided in the negative,	{ Yeas,	:	:	:	14
	{ Nays,	:	:	:	108

Those voting in the affirmative, are,

Mr. Akin	Mr. Hay	Mr. Oliver
Atherton	Hayes	Sim
Blair	Lemon	J. Smith
Brown	Linley	Trower
Grimshaw	Nichols	

Those voting in the negative, are,

Mr. Adams	Mr. S. J. Cross	Mr. Harper
Anderson	Dale	Harvey
Archer	J. M. Davis	Hatch
Armstrong	Dawson	Hawley
Ballingall	Deitz	Henderson
Blakely	Dement	Hill
Bond	Dummer	Hogue
Bosbyshell	Dunlap	Holmes
Brockman	Dunsmore	Hunsaker
Bunsh	Eccles	Hurlbut
J. M. Campbell	C. Edwards	Huston
T. Campbell	N. W. Edwards	Jackson
Canady	Evey	James
Carter	Farwell	Jenkins
Z. Casey	Frick	Kenner
Choate	Graham	S. Kinney
Church	Geddes	Kitchell
Churchill	H. R. Green	N. M. Knapp
Colby	P. Green	Knowlton
Crain	Gregg	Knox
R. J. Cross	Harlan	Lander



Mr. Lasater  
Lockwood  
Logan  
Loudon  
McCallen  
McCully  
McClure  
McHatton  
Markley  
F. S. D. Marshall  
Mason  
Miller  
Minshall  
Moffett  
Moore

Mr. Morris  
Pace  
H. D. Palmer  
Peters  
Rives  
Robbins  
Robinson  
Rountree  
Scates  
Servant  
Shields  
Shunway  
Sibley  
E. O. Smith  
Spencer

Mr. Stadden  
Swan  
Thompson  
Thornton  
Turnbull  
Turner  
Vance  
Wead  
Webber  
West  
Witt  
Whitney  
Woodson  
Worcester  
Mr. President.

The question was taken on the adoption of the first section, and decided in the affirmative.

Mr. Shields moved to amend the second section by striking out "shall" and inserting "may," in lieu thereof.

The question was taken, and decided in the negative.

Mr. J. M. Davis moved the following as a substitute for the second section:

"That any county in this state that can be so divided as to give to each county 400 square miles shall have power so to do, whenever a majority of the voters of the whole county shall vote for such division."

Mr. Pratt offered the following as a substitute for the substitute:

"SEC. —. The general assembly shall provide for, and there shall be annually levied, a tax of not less than two mills on every dollar's worth of personal and real property within this state, to be ascertained by valuation; the proceeds of which shall be applied to the payment of the indebtedness of the state; *Provided*, said tax shall be levied no longer than is necessary to discharge the principal and interest due and to become due on the present state debt."

The foregoing section shall be submitted as an alternate proposition with the first section of article 14, and the one having a majority of all the votes given for and against the same, shall form a part of the constitution.

On motion of Mr. Pratt,

The previous question was ordered.

The question was taken, by yeas and nays, on agreeing to the substitute for the substitute,

And decided in the negative,	{ Yeas,	.	.	.	50
	{ Nays,	.	.	.	81

Those voting in the affirmative, are,

Mr. Adams  
Anderson  
Armstrong  
Atherton  
Ballingall  
Blakely  
Brockman

Mr. Carter  
Churchill  
Crain  
Dement  
Dummer  
Dunlap  
Dunsmore

Mr. Geddes  
P. Green  
Gregg  
Hatch  
Heacock  
Henderson  
Hill



Mr. Hogue	Mr. Markley	Mr. J. Smith
Huston	T. A. Marshall	Stadden
James	Mason	Thompson
Judd	Pratt	Thornton
Kitchell	Robinson	Trower
A. R. Knapp	Roman	Vance
Laughlin	Scates	Vernor
Logan	Shields	Wead
McCully	Shumway	Whiteside
McClure	Sibley	Whitney.

Those who voted in the negative, are,

Mr. Akin	Mr. Graham	Mr. Miller
Archer	Grimshaw	Minshall
Blair	Harding	Moore
Bond	Harlan	Morris
Bosbyshell	Harper	Northcott
Brown	Hawley	Norton
Bunsen	Hay	Oliver
J. M. Campbell	Hayes	Pace
T. Campbell	Holmes	H. D. Palmer
Canady	Hunsaker	Peters
Z. Casey	Hurlbut	Rives
Choate	Jackson	Robbins
Church	Jenkins	Rountree
Constable	Kenner	Servant
R. J. Cross	S. Kinney	Sim
S. J. Cross	N. M. Knapp	Simpson
Dale	Knowlton	Spencer
D. Davis	Knox	Turnbull
J. M. Davis	Lander	Turner
Dawson	Lasater	Tutt
Deitz	Lemon	Tuttle
Dunn	Linley	West
Eccles	London	Williams
C. Edwards	McCallen	Witt
N. W. Edwards	McClatton	Woodson
Evey	F. S. D. Marshall	Worcester
Farwell	Mieure]	Mr. President.
Frick		

The question was taken, by yeas and nays, upon agreeing to the substitute offered by Mr. J. M. Davis, -

And decided in the negative,	{ Yeas,	:	:	:	:	56
	{ Nays,	:	:	:	:	66

Those voting in the affirmative, are,

Mr. Anderson	Mr. Choate	Mr. Hunsaker
Atherton	Churchill	Huston
Ballingall	Constable.	James
Blair	Crain	Jenkins
Bosbyshell	Dale	Judd
Brockman	Dement	Kenner
Brown	C. Edwards	Kreider
J. M. Campbell	Graham	Lasater
Canaday	P. Green	Laughlin
Carter	Harding	McCallen
Z. Casey	Hogue	Markley



Mr. F. S. D. Marshall	Mr. Scates	Mr. Vance
Mason	Sibley	Vernor
Miller	Sim	Williams
Minshall	Simpson	Witt
Moffett	J. Smith	Whitney
Moore	Swan	Woodson
Oliver	Turnbull	Worcester
Pinckney	Tuttle	Mr. President.
Rountree		

Those voting in the negative, are,

Mr. Adams	Mr. Harper	Mr. T. A. Marshall
Akin	Hatch	Mieure
Armstrong	Hawley	Morris
Bunsen	Hay	Northcott
T. Campbell	Hayes	Norton
Church	Hill	Pace
R. J. Cross	Hurlbut	H. D. Palmer
S. J. Cross	Jackson	Peters
D. Davis	S. Kinney	Pratt
Dawson	Kitchell	Rives
Dummer	A. R. Knapp	Robbins
Dunlap	N. M. Knapp	Robinson
Dunn	Knowlton	Servant
Dunsmore	Knox	Shields
Eccles	Lemon	Spencer
N. W. Edwards	Linley	Stadden
Evey	Lockwood	Thomas
Frick	Logan	Thompson
Geddes	Loudon	Thornton
H. R. Green	McCully	Trower
Grimshaw	McClure	Wead
Harlan	McHatton	West.

The question was taken on the adoption of the 2d section, and decided in the negative.

On motion,

The report, as amended, was referred to the committee on Revision, &c.

Mr. Scates, from the committee on the Judiciary Department, to which was referred the petition of John Smith and seventy-three others, praying the abolition of capital punishment, reported the same back and asked to be discharged from its further consideration.

The committee were so discharged.

Mr. Scates, from the select committee appointed to prepare a schedule, &c., reported the following

### SCHEDULE:

That no inconvenience may arise from the alterations and amendments made in the constitution, and to carry the same into complete effect, it is hereby ordained and declared:

SECTION 1. That all laws of this state, in force at the time of the adoption of said alterations and amendments, and not inconsistent therewith, and all rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, shall continue as if said alterations and amendments had not been made.



SEC. 2. That all officers now filling any office or appointment shall continue in the exercise of the duties of their respective offices or appointments until otherwise provided by the general assembly, except those officers whose elections are provided in this constitution, who shall enter upon the duties of their respective offices immediately after their election and qualification.

SEC. 3. That all fines, penalties, and forfeitures, due and owing to the state of Illinois, under the present constitution and laws, shall enure to the use of the people of the state of Illinois, under this constitution.

SEC. 4. That all recognizances heretofore taken, or which may be taken before the organization of the judicial department under this constitution, shall remain valid and shall pass over to, and may be prosecuted in the name of the people of the state of Illinois. And all bonds executed to the governor, or to any other officer or officers, in his or their official character, under the present constitution and laws, shall pass over to the people of the state of Illinois, under this constitution, for the uses therein respectively expressed, and may be sued for by the proper officer or officers having the custody thereof, in the name of the people of the state of Illinois, or in the name or names of the obligee or obligees therein. All criminal prosecutions and penal actions which have arisen or may arise, before the organization of the judicial department, under this constitution, and which shall be depending at the time of said organization, may be prosecuted to judgment and execution in the name of the people of the state of Illinois, or in the name of the plaintiffs therein.

SEC. 5. That "Article II," entitled "Commons," be, and the same it hereby, adopted, and the same shall not be submitted to be voted on as the polls, but the same shall be and form a part of the constitution of this state.

SEC. 6. That at the first election fixed by this constitution for the election of judges, there shall be elected one judge in each of the nine judicial circuits, now established in this state.

SEC. 7. That at the same time fixed by this constitution for the election of circuit judges, there shall be elected in each county, one county judge, and one county clerk, returns whereof shall be made and canvassed as is now provided by law in case of the election of clerk of the county commissioners' court; and an abstract of the votes for county judge shall be forwarded to the secretary of state.

SEC. 8. That the clerk of the circuit court in each county fixed by this constitution as the place for holding the supreme court, shall be *ex officio* clerk of the supreme court, until the clerks of said court shall be elected and qualified as provided in this constitution; and all laws now in force, in relation to clerk of the supreme court shall be applicable to said clerks and their duties.

SEC. 9. That the sheriffs, state's attorneys, and all other officers elected under this constitution, shall perform such duties as shall be prescribed by law.

SEC. 10. That the oaths of office, herein required to be taken, may be administered by a justice of the peace, until otherwise provided by law.

SEC. 11. That on the first Monday and Tuesday of March, 1848, this constitution shall be submitted, for ratification or rejection, to the quali-



fied electors of this state, and every such elector may vote any where in the state. And all the provisions of the law in relation to voting more than once, or betting upon elections, shall be applicable and in full force, in relation to voting for and against the constitution.

SEC. 12. That the constitution shall be divided into parts as follows, to wit:

Section first of article sixth shall form the first part.

Article fourteenth shall form the second part.

Section sixteen to twenty, inclusive, of article fifth, shall form the third part.

Article fifteenth shall form the fourth part.

The remainder of the constitution shall form the fifth part.

SEC. 13. That a poll-book shall be opened at every place of holding elections for members of the general assembly, with columns and captions in the following form, viz:

NAMES OF VOTERS.	Section 1 of Article 6. Right of Suffrage.		Article 14. State Debt.		Sections 16, 17, 18, 19, 20, of Article 5. County and Probate courts.		Article —. Immigration of Negroes.		Balance of amended constitution.	
	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.

And the several articles and sections which shall receive a majority of all the votes given for and against said sections and articles severally as herein provided, at said election, shall be in full force from the day of said election, and the several sections and articles, which shall not receive a majority of all the votes so given, shall be of no force or effect.

SEC. 14. That the first general election of governor, secretary of state, auditor, treasurer and members of the general assembly, and of such other officers as are to be elected at the same time, shall be held on the first Monday of August, 1848, anything in this constitution to the contrary notwithstanding.

SEC. 15. That the returns shall be made of the votes given in pursuance of the 11th, 12th, and 13th sections of this schedule, and canvassed in the same manner as is provided in cases of elections for representatives in congress; and should it appear that a majority of all the votes given at



said election are in favor of the articles and sections of articles, included in any of the parts of the specifications hereinbefore made, then the governor shall issue his proclamation of that fact. And it shall therefore be the duty of the governor, if made necessary by the adoption of any portion of the amended constitution, to issue writs of election to the sheriff of each county, or in case of a vacancy, to the coroner, to hold an election pursuant to the provisions of the amended constitution and this schedule, for the election of the several officers whose elections are provided in the same.

SEC. 16. That in cases of the election of the supreme, and judges of the circuit courts, secretary of state, auditor, and treasurer, returns shall be made and canvassed, as is now provided by law for representatives in congress. For members of the general assembly and county officers returns shall be made and canvassed as is now provided by law.

SEC. 17. That all laws of the state of Illinois, and all official writings, and the executive, legislative, and judicial proceedings shall be conducted, preserved and published in no other than the English language.

SEC. 18. That the general assembly shall pass all laws necessary to carry into effect the provisions of this constitution.

SEC. 19. That the clauses, sections, and articles of the present constitution, and none other, which have been amended, if, by the rejection of said amendments they remain unaltered, shall continue to be and form a part of the constitution of this state.

Mr. Scates offered the following as an additional section:

SEC. 20. That all the actions, indictments, and proceedings, together with all the records and files of office, pending and being in the supreme, circuit, probate, and county courts, shall, if the constitution be adopted, be transferred to the supreme, circuit, probate, and county courts, established by this constitution, and said courts, respectively, shall have authority to proceed with and complete all such proceedings, in the same manner as if such proceedings had originally been commenced in said courts.

Mr. Thornton, from the minority of the same committee, submitted the following:

SEC. —. That the constitution, as amended, shall be submitted to the people for their adoption or rejection, at an election to be held on the first Monday in March, A. D. 1848; and there shall also be submitted for adoption or rejection at the same time the separate section in relation to the immigration of colored persons, and the article in relation to the public debt.

SEC. —. That every person entitled to vote for members of the general assembly by the constitution and laws now in force, shall, on the first Monday in March, A. D., 1848, be entitled to vote for the adoption or rejection of the constitution, as amended, and for and against the aforesaid section and article separately submitted; and the said qualified electors shall vote in the counties in which they respectively reside, at the usual places of voting, and not elsewhere; and the said election shall be conducted according to the laws now in force, in relation to the election of governor, so far as applicable, except as is herein otherwise provided.

SEC. —. That the form of the poll-books to be used at said election, shall, as nearly as practicable, be in the following form, to wit:



POLL-BOOK of an election held at \_\_\_\_\_ precinct, in the county of \_\_\_\_\_ on the first Monday in March, A. D. 1818, for the adoption or rejection of the Constitution, as amended, and the separate section and article submitted.

NAMES OF THE VOTERS.	Adoption of Constitution.	Rejection of Constitution.	For the section in relation to colored persons.	Against the section in relation to colored persons.	For the article for the two mill tax.	Against the article for the two mill tax.
A. B. . . . .	1		1		1	
C. D. . . . .		1	2		2	
E. F. . . . .	2		3	1	3	1

SEC. That the returns of the votes for the adoption or rejection of the constitution, as amended, and for and against the separate section and article submitted, shall be made to the secretary of state, within fifty days after the election; and the returns of the votes shall, within fifty days after the election, or sooner, if received, be examined and canvassed by the auditor and treasurer, in the presence of the governor, and proclamation shall be made by the governor, forthwith, of the result of the polls. If it shall appear that a majority of all the votes polled are for the adoption of said constitution, as amended, it shall be the supreme law of the land; but if it shall appear that a majority of the votes polled were given against said constitution, as amended, the same shall be null and void. If it shall further appear that a majority of the votes polled shall have been given for the separate section in relation to colored persons, or the article for the two mill tax, then said section or article shall be and form a part of the constitution, as amended, otherwise said section or article shall be null and void.

SEC. — That if said constitution, as amended, shall be ratified by the people, the governor shall, forthwith, after having ascertained the fact, issue writs of election to the sheriffs of the several counties in this state, or in case of vacancy, to the coroners, for the election of all the officers, the time of whose election is fixed by said constitution, or by this schedule; and it shall be the duty of said sheriffs, or coroners, to give at least twenty days notice of the time and place of said election, in the manner now provided by law.

A. THORNTON,  
R. B. SERVANT,  
P. W. DEITZ.



Mr. Peters moved that the two reports be laid on the table, and that two hundred and fifty copies thereof be printed; which motion was rejected.

On motion,

The report was considered by sections.

Section first was adopted.

The second section being read,

On motion of Mr. N. W. Edwards,

It was amended by adding "and all debts contracted and engagements entered into before the adoption of this constitution shall be as valid against the state under this constitution as under the old."

And then, as amended, adopted.

Section third was adopted.

On motion of Mr. Thomas,

The fourth section was amended by inserting after the word "character," the words "or to the people of the state of Illinois."

And then, as amended, was adopted.

Sections five and six were severally read and adopted.

On motion of Mr. Logan,

The seventh section was amended by striking it out and substituting for it the following:

"The county commissioners' courts, and the probate justices of the several counties shall continue in existence, and exercise their present jurisdiction, until the county court, provided in this constitution, is organized in pursuance of an act of the general assembly, to be passed at its first session."

And, as amended, the section was adopted.

Sections 8, 9, and 10 were severally read and adopted.

Mr. Peters moved that the words "by ballot" be inserted in section eleventh, between the words "vote" and "anywhere;" which motion was rejected.

Mr. Thornton moved that the section be stricken out, and the five sections, submitted by him from the minority of the committee on the schedule, inserted instead of it.

On motion of Mr. Turnbull,

The previous question was ordered to be put.

Mr. Hayes moved for such a division as would enable the convention to vote first on striking out the section; which motion was rejected.

The question was taken, by yeas and nays, upon the amendment proposed by Mr. Thornton,

And decided in the affirmative,	{ Yeas,	:	:	:	:	86
	{ Nays,	:	:	:	:	61

Those voting in the affirmative, are,

Mr. Adams  
Allen  
Anderson  
Blair  
Bond  
Canady

Mr. Choate  
Church  
Constable  
R. J. Cross  
D. Davis  
J. M. Davis

Mr. Dawson  
Deitz  
Dummer  
Dunn  
Dunsmore  
Eccles



Mr. C. Edwards	Mr. Lander	Mr. Roman
N. W. Edwards	Lemon	Servant
Frick	Lockwood	Shields
Graham	Logan	Sim
Geddes	Loudon	Simpson
H. R. Green	McCallen	E. O. Smith
P. Green	F. S. D. Marshall	J. Smith
Grimshaw	T. A. Marshall	Spencer
Harding	Mason	Swan
Harlan	Mieure	Thomas
Harper	Miller	Thornton
Hay	Minshall	Trower
Holmes	Moffett	Turnbull
Hurlbut	Northcott	Turner
Jackson	Norton	Tuttle
Jones	H. D. Palmer	Vance
Judd	Peters	West
Kenner	Pinckney	Williams
S. Kinney	Pratt	Witt
A. R. Knapp	Rives	Whitney
N. M. Knapp	Robbins	Woodson
Knowlton	Robinson	Worcester.
Knox		

Those voting in the negative, are,

Mr. Akin	Mr. Dunlap	Mr. Linley
Archer	Evey	McCully
Armstrong	Farwell	McClure
Atherton	Gregg	McHatton
Ballingall	Hawley	Markley
Blakely	Hayes	Moore
Bosbyshell	Heacock	Morris
Brockman	Henderson	Oliver
Brown	Hill	Pace
Bunsen	Hoes	Rountree
J. M. Campbell	Hogue	Scates
T. Campbell	Hunsaker	Shumway
Carter	Huston	Stadden
Zadok Casey	James	Thompson
Churchill	Jenkins	Tutt
Colby	W. C. Kinney	Vernor
Crain	Kitchell	Wead
S. J. Cross	Kreider	Webber
Dale	Lasater	Whiteside
T. G. C. Davis	Laughlin	Mr. President.
Dement		

The question was taken, by yeas and nays, on the adoption of the section, as amended,

And decided in the affirmative,	{ Yeas,	:	:	:	:	83
	{ Nays,	:	:	:	:	58

Those voting in the affirmative, are,

Mr. Adams	Mr. Church	Mr. Deitz
Anderson	Constable	Dummer
Archer	R. J. Cross	Dunn
Bond	D. Davis	Dunsmore
Canady	J. M. Davis	Eccles
Choate	Dawson	C. Edwards



Mr. N. W. Edwards  
Frick  
Graham  
Geddes  
H. R. Green  
Grimshaw  
Harding  
Harlan  
Harper  
Hay  
Heacock  
Holmes  
Hurlbut  
Jackson  
Jones  
Judd  
Kenner  
S. Kinney  
A. R. Knapp  
N. M. Knapp  
Knowlton  
Knox

Mr. Lander  
Lemon  
Lockwood  
Logan  
Loudon  
McCaillen  
F. S. D. Marshall  
T. A. Marshall  
Mason  
Mieure  
Miller  
Minshall  
Moffett  
Moore  
Northcott  
Norton  
H. D. Palmer  
Peters  
Pinckney  
Pratt  
Rives  
Robbins

Mr. Robinson  
Roman  
Servant  
Shields  
Sibley  
E. O. Smith  
Spencer  
Swan  
Thomas  
Thornton  
Trower  
Turnbull  
Turner  
Tuttle  
Vance  
West  
Williams  
Witt  
Whitney  
Woodson  
Worcester.

Those voting in the negative, are,

Mr. Akin  
Armstrong  
Atherton  
Ballingall  
Blakely  
Bosbyshell  
Brockman  
Brown  
Bunsen  
J. M. Campbell  
T. Campbell  
Carter  
Z. Casey  
Churchill  
Colby  
Crain  
S. J. Cross  
Dale  
Dunlap  
Evey

Mr. Farwell  
P. Green  
Gregg  
Hatch  
Hawley  
Hayes  
Henderson  
Hill  
Hogue  
Hunsaker  
Huston  
James  
Jenkins  
W. C. Kinney  
Kitchell  
Kreider  
Lasater  
Laughlin  
Linley

Mr. McCully  
McClure  
McHatton  
Markley  
Morris  
Oliver  
Pace  
Rountree  
Scates  
Shumway  
J. Smith  
Stadden  
Thompson  
Tutt  
Vernor  
Wead  
Webber  
Whiteside  
Mr. President.

On motion of Mr. Woodson,

The twelfth section was amended by striking it out and inserting in lieu of it the following:

"The general assembly shall, at its first session after the adoption of this constitution, provide by law for the mode of voting by ballot, and also for the manner of voting, canvassing, and certifying the number of votes cast at any election, and until said law shall be passed, all elections shall be *viva voce*, and the laws now in force in relation to elections shall continue in force until the general assembly shall provide otherwise as hereinafter directed."

The section, as amended, was adopted.

Mr. Dement moved that the convention adjourn.

The question was put, and decided in the negative.



On motion of Mr. N. W. Edwards,

The thirteenth section was laid on the table.

Mr. Bosbyshell moved that the convention adjourn.

The question was put, and decided in the negative.

Mr. Dement moved that the report be referred to the committee on Revision, &c.

The question was put, and decided in the negative.

Mr. Logan moved that the fourteenth section be amended, by striking out the words "first Monday of August," and by inserting in lieu of them the words "Tuesday next after the first Monday of November."

Mr. Shumway moved for a division, to enable the convention first to vote on the question of striking out.

On motion,

The convention adjourned until Monday.

### MONDAY, AUGUST 30, 1847.

The convention assembled pursuant to adjournment.

Prayer by the Rev. Mr. Barger.

The question pending at the last adjournment was upon ordering a division, moved by Mr. Shumway, arising upon the motion of Mr. Logan to amend the 14th section of the report of the committee on the schedule, by striking out the words "first Monday in August," and inserting in lieu of them the words "Tuesday next after the first Monday in November."

Mr. Hayes moved the previous question.

Mr. Logan moved a call of the convention; which was negatived.

Ordered, That the main question be put.

The question was taken upon the motion of Mr. Shumway, proposing the division, and decided in the negative.

The question was then put, by yeas and nays, upon the motion of Mr. Logan to amend the 14th section, by striking out and inserting as above,

And decided in the negative,	{ Yeas,	:	:	:	:	66
	{ Nays,	:	:	:	:	77

Those voting in the affirmative, are,

Mr. Adams  
Bond  
Canady  
Constable  
R. J. Cross  
Church  
D. Davis  
J. M. Davis  
Dawson  
Deitz  
Dummer  
Dunsmore

Mr. C. Edwards  
N. W. Edwards  
Eccles  
Graham  
Geddes  
H. R. Green  
Grimshaw  
Harding  
Harlan  
Harper  
Hurlbut  
Jackson

Mr. Jones  
Judd  
A. R. Knapp  
N. M. Knapp  
Kenner  
S. Kinney  
Knowlton  
Knox  
Lemon  
Lockwood  
Logan  
Loudon



Mr. McCallen  
F. S. D. Marshall  
T. A. Marshall  
Mason  
Mieure  
Miller  
Minshall  
Northcott  
Norton  
H. D. Palmer

Mr. Rives  
Robbins  
Swan  
Shields  
Spencer  
Servant  
Sibley  
Sim  
E. O. Smith  
Thomas

Mr. Thornton  
Trower  
Turnbull  
Turner  
Tuttle  
Vance  
West  
Williams  
Whitney  
Woodson.

Those voting in the negative, are,

Mr. Akin  
Anderson  
Archer  
Armstrong  
Atherton  
Blair  
Blakely  
Ballingall  
Brockman  
Bosbyshell  
Brown  
Bunsen  
Crain  
J. M. Campbell  
T. Campbell  
Carter  
Z. Casey  
Choate  
Colby  
S. J. Cross  
Churchill  
Dale  
T. G. C. Davis  
Dement  
Dunlap  
Dunn

Mr. Edmonson  
Evey  
Farwell  
Frick  
P. Green  
Gregg  
Harvey  
Hatch  
Hawley  
Hay  
Hayes  
Henderson  
Hill  
Hoes  
Hogue  
Hunsaker  
Huston  
James  
Jenkins  
Kreider  
W. C. Kinney  
Kitchell  
Lasater  
Laughlin  
Linley  
McCully

Mr. McClure  
McHatten  
Markley  
Moffett  
Moore  
Morris  
Oliver  
Pace  
J. M. Palmer  
Pratt  
Peters  
Rountree  
Scates  
Stadden  
Simpson  
J. Smith  
Shumway  
Thompson  
Tutt  
Vernor  
Wead  
Webber  
Witt  
Whiteside  
Mr. President.

The question was put, by yeas and nays, upon the adoption of that section,

And decided in the affirmative,	{ Yeas,	.	.	.	.	79
	{ Nays,	.	.	.	.	65

Those voting in the affirmative, are,

Mr. Akin  
Anderson  
Archer  
Armstrong  
Atherton  
Blair  
Blakely  
Ballingall  
Brockman  
Bosbyshell  
Brown  
Bunsen  
Crain  
J. M. Campbell  
T. Campbell

Mr. Carter  
Z. Casey  
Choate  
Colby  
S. J. Cross  
Churchill  
Dale  
T. G. C. Davis  
Dement  
Dunlap  
Dunn  
Edmonson  
Evey  
Farwell

Mr. Frick  
P. Green  
Gregg  
Harvey  
Hatch  
Hawley  
Hay  
Hayes  
Henderson  
Hill  
Hoes  
Hogue  
Hunsaker  
Huston



Mr. James  
Jenkins  
Kreider  
W. C. Kinney  
Kitchell  
Lasater  
Laughlin  
Linley  
McCully  
McClure  
McHatton  
Markley

Mr. Moffett  
Moore  
Morris  
Oliver  
Pace  
J. M. Palmer  
Pratt  
Peters  
Roman  
Rountree  
Scates  
Stadden

Mr. Simpson  
J. Smith  
Shumway  
Thompson  
Tutt  
Vernor  
Wead  
Webber  
Witt  
Whiteside  
Worcester  
Mr. President.

Those voting in the negative, are,

Mr. Adams  
Bond  
Canady  
Constable  
R. J. Cross  
Church  
D. Davis  
J. M. Davis  
Dawson  
Deitz  
Dummer  
Dunsmore  
C. Edwards  
N. W. Edwards  
Eccles  
Graham  
Geddes  
H. R. Green  
Grimshaw  
Harding  
Harlan  
Harper

Mr. Hurlbut  
Jackson  
Jones  
Judd  
A. R. Knapp  
N. M. Knapp  
Kenner  
S. Kinney  
Knowlton  
Knox  
Lemon  
Lockwood  
Logan  
McCallen  
F. S. D. Marshall  
T. A. Marshall  
Mason  
Mieure  
Miller  
Minshall  
Northcott  
Norton

Mr. H. D. Palmer  
Rives  
Robbins  
Swan  
Shields  
Spencer  
Servant  
Sibley  
Sim  
E. O. Smith  
Thomas  
Thornton  
Trower  
Turnbull  
Turner  
Tuttle  
Vance  
West  
Williams  
Whitney  
Woodson.

On motion of Mr. Thornton,

The fifteenth section was stricken out.

Mr. Pratt moved to amend the 16th section by adding to it:

"SEC. —. The legislature shall provide that all fines and forfeitures arising out of criminal proceedings in the several counties, as well as all fines and forfeitures arising out of an omission to do military duty, be appropriated from time to time to the establishment of one or more libraries in each of the several counties of this state for the use of the people thereof."

Mr. Harding moved to amend the proposed additional section by striking out the words "as well as all fines and forfeitures arising out of an omission to do military duty."

On motion of Mr. J. M. Davis,

The question was taken, by yeas and nays, on laying the amendment and amendment to the amendment on the table,

And decided in the affirmative,	{	Yeas,	:	:	:	:	86
	{	Nays,	:	:	:	:	33



Those voting in the affirmative, are,

Mr. Anderson	Mr. Harvey	Mr. Miller
Atherton	Hay	Moffett
Blair	Hayes	Moore
Canady	Hill	Morris
Carter	Hoes	Norton
Z. Casey	Hunsaker	Oliver
Choate	Hurlbut	H. D. Palmer
Church	Huston	Rives
Constable	Jackson	Rountree
R. J. Cross	James	Servant
D. Davis	Jones	Shields
J. M. Davis	Kenner	Shumway
Dawson	S. Kinney	Sibley
Deitz	A. R. Knapp	Sim
Dement	N. M. Knapp	Simpson
Dummer	Knowlton	E. O. Smith
Dunn	Knox	Spencer
Dunsmore	Kreider	Thornton
Eccles	Laughlin	Trower
C. Edwards	Lemon	Turnbull
N. W. Edwards	Linley	Turner
Frick	Lockwood	Tutt
Graham	Logan	Tuttle
Geddes	McClure	Vernor
P. Green	McHatton	West
Grimshaw	Markley	Witt
Harding	F. S. D. Marshall	Whiteside
Harlan	T. A. Marshall	Woodson
Harper	Mason	Worcester.

Those voting in the negative, are,

Mr. Adams	Mr. Crain	Mr. McCallen
Akin	S. J. Cross	Northcott
Archer	Dale	J. M. Palmer
Armstrong	T. G. C. Davis	Pratt
Ballingall	Dunlap	Scates
Blakely	Hawley	J. Smith
Bond	Henderson	Thompson
Brockman	Hogue	Vance
Bunsen	Jenkins	Webber
J. M. Campbell	Kitchell	Whitney
Churchill	Lasater	Mr. President.
Colby		

Mr. J. M. Davis moved to amend the sixteenth section by striking it out and inserting in lieu of it:

"SEC. —. The election of governor, lieutenant governor, secretary of state, auditor, treasurer, and members of the general assembly, shall forever hereafter be held on the first Monday of August, anything in this constitution to the contrary notwithstanding."

On motion of Mr. J. M. Davis,

The previous question was ordered.

And being put, by yeas and nays, upon the adoption of the amendment offered by him,



It was decided in the negative,	{ Yeas,	:	:	:	:	35
	{ Nays,	:	:	:	:	95

Those voting in the affirmative, are,

Mr. Archer	Mr. James	Mr. Rives
Atherton	Jenkins	Rountree
Bond	Jones	Servant
D. Davis	Kenner	Sim
J. M. Davis	Lockwood	Simpson
Dawson	Logan	Thornton
Eccles	McCallen	Turner
P. Green	Markley	West
Grimshaw	Matheny	Williams
Harding	Minshall	Witt
Hay	Oliver	Whiteside,
Hunsaker	Peters	

Those voting in the negative, are,

Mr. Akin	Mr. Farwell	Mr. T. A. Marshall
Anderson	Frick	Mason
Armstrong	Graham	Mieure
Ballingall	Geddes	Moffett
Blair	Gregg	Morris
Blakely	Harlan	Northcott
Bosbyshell	Harper	Norton
Brockman	Harvey	Pace
Brown	Hatch	H. D. Palmer
Bunsen	Hawley	J. M. Palmer
J. M. Campbell	Hayes	Pratt
T. Campbell	Henderson	Robbins
Carter	Hill	Scates
Z. Casey	Hoes	Shields
Choate	Hogue	Shumway
Churchill	Hurlbut	Sibley
Colby	Huston	J. Smith
Constable	Jackson	Spencer
Crain	Judd	Stadden
R. J. Cross	S. Kinney	Thompson
S. J. Cross	W. C. Kinney	Trower
Dale	A. R. Knapp	Turnbull
T. G. C. Davis	N. M. Knapp	Tutt
Deitz	Knowlton	Vance
Dement	Knox	Vernor
Dummer	Kreider	Wead
Dunlap	Lasater	Webber
Dunn	Linley	Whitney
Dunsmore	McCully	Woodson
C. Edwards	McClure	Worcester
N. W. Edwards	McHatton	Mr. President.
Evey	F. S. D. Marshall	

The sixteenth section was then adopted.

Mr. Scates moved to amend the 17th section by adding to it:

“SEC. —. Until otherwise provided by law, the terms of the supreme court shall be held as follows:

“In the first division, on the first Monday of December, 1848, and annually thereafter;

“In the second division, on the third Monday of December, 1848, and annually thereafter; and



‘In the third division, on the first Monday of February, 1849, and annually thereafter.

“The sheriffs of Jefferson and La Salle counties shall perform the same duties, and receive the same compensation, as is now required and provided for the sheriff of Sangamon county, until otherwise provided by law;”

Which, on motion of Mr. N. W. Edwards,

Was amended by striking out the word “now.”

On motion of Mr. Logan,

The proposed additional section was further amended by adding to it:

“SEC. —. The first election for judges of the supreme and circuit courts shall be held on the first Monday of September, 1848, anything in this constitution to the contrary notwithstanding.”

Mr. Thomas moved further to amend the additional section offered by Mr. Scates, by prefixing thereto the following:

“SEC. —. On the first Monday in December, one thousand eight hundred and forty-eight, jurisdiction of all suits and proceedings, then pending in the present supreme court, shall become vested in the supreme court established by this constitution, and shall be finally adjudicated by the court holden in Springfield. The jurisdiction of all suits and proceedings then pending in the circuit courts of the several counties shall be vested in the circuit court of said counties, and the jurisdiction of all suits and proceedings in the Cook and Jo Daviess county courts shall be vested in the circuit courts of those counties respectively.

“SEC. —. On the first Monday in December, one thousand eight hundred and forty-eight, the term of office of the judges of the supreme court, of the county and state’s attorneys, of the judges of the Cook and Jo Daviess county court, and of the clerks of the supreme, circuit, and county, shall expire; and on said day the term of office of the judges, state’s attorneys, and clerks, elected under the provisions of this constitution, shall commence. The judges of the supreme court elected as aforesaid shall have and exercise the powers and jurisdiction conferred upon the present judges of that court, and the said judges of the circuit court shall have and exercise the powers and jurisdiction conferred upon the judges of those courts, subject to the provisions of this constitution: *Provided*, that the Cook and Jo Daviess county court shall remain in existence until otherwise provided by law.”

The question was taken, and the amendment offered to the amendment was agreed to.

The question was taken, and the additional section, as amended, agreed to, as an amendment to the 17th section.

The 17th section, as amended, was adopted.

Mr. Thomas moved the following as an addition to the 18th section:

“The term of holding biennial or other elections, provided for in this constitution, may be changed; but elections of judges of the supreme and circuit courts shall, after the first election, be held within less than three months of the time of holding any other general election; nor shall any change made under the provisions of this section affect the tenure of any office.”



On motion of Mr. T. Campbell,  
The amendment was laid on the table.

The question was taken, and the 18th section adopted.

Mr. Scates withdrew the additional section offered by him on Saturday last.

On motion of Mr. N. W. Edwards,  
The 19th section was laid on the table.

On motion of Mr. Archer,  
The schedule, as amended, was referred to the committee on Revision.  
Mr. Constable, from the committee to prepare an address to the people of the state, to accompany the constitution, reported the following

### ADDRESS:

IN CONVENTION, SPRINGFIELD, ILLINOIS,

*August 30th, 1847.*

In bringing their deliberations to a close, the delegates to the constitutional convention tender their congratulations to the people of the state of Illinois, upon the character of the instrument which they now submit for their consideration as a substitute for the constitution under which we have lived since the institution of our state government. As the result of arduous and protracted consultation and deliberation, it is to be supposed that the members of the convention cannot forego this opportunity to recommend it to your candid and unprejudiced investigation, as upon the final action of the whole people at the polls, alone, depends its adoption or rejection.

The action of the convention has been characterized by a most liberal spirit of concession. Individual views and local preferences and prejudices have been so compromised as to secure to our labors that success, which could never have been otherwise attained, how arduous soever might have been the struggle therefor. Availing themselves of the lights furnished by a highly advanced state of political science, your delegates have sought to adapt their efforts to the demands of the growing interests and population of the state, consulting at all times the dictates of the popular will, whenever it could be ascertained.

The proposed constitution is embraced within the limits of ——— articles, severally devoted to the various subjects which experience pointed out as properly to be considered in framing the organic law of the state. While too great detail has been sought to be avoided, every possible effort has been exerted to guard against ambiguity and conflicting provisions.

Your delegates now submit to you the prominent details of their action in the reorganization of the several departments of the government, as a guide to your investigation of their official course.

They have steadily preserved, as wholly distinct and independent, the oft recognized three grand divisions of government, as essential to the permanence and purity of our free institutions, viz: the executive, legislative, and judicial.

They have declared the boundaries and limits of the state, prescribed the jurisdiction of the government so far as the same can be defined, and have provided for the final adjustment of any doubts connected therewith, by convention with the state of Kentucky.

They have provided for the reorganization of the executive department—

By the election of a governor; limiting his term of office to four years, rendering him ineligible to consecutive re-election, and fixing his salary at the sum of



fifteen hundred dollars per annum. By requiring as a qualification for office that he shall have attained the age of thirty-five years, shall have been a citizen of the United States fourteen years, and of this state ten years, and shall take an oath of office.

By abolishing the council of revision and conferring on the governor the power to exercise a qualified veto.

By providing for the election of a lieutenant governor, prescribing his duties, limiting his term of office, and designating his compensation.

By providing for the election of a secretary of state, who is to continue in office during the term of the governor; and for performing such duties as are or may be assigned to him, he is to receive a salary of eight hundred dollars, with his fees of office.

They have reorganized the legislative department—

By restricting the number of senators to twenty-five, and the number of representatives to seventy-five, and prescribing the qualifications of each.

By fixing, as the time for the meeting of the regular sessions of the general assembly, the first Monday in January, A. D. 1849, and on the first Monday in January biennially thereafter.

By fixing the pay of members at two dollars per day, for the first forty-two days of the session, and at one dollar per day for each day thereafter; and rendering them ineligible to any office which may be conferred by the governor or the general assembly, during the time for which they were elected, and one year thereafter.

By requiring that bills providing for the pay of members, or the salaries of state officers, shall contain no other provisions whatever.

By providing that all final votes upon bills shall be by yeas and nays, and that no bill shall become a law unless by a vote of a majority of all the members elected to each house.

By prohibiting the passage of any laws authorizing lotteries, or for reviving or extending the charters of the state bank or any other bank in this state, or any special law authorizing the sale of lands belonging to individuals.

By requiring that each general assembly shall make appropriations for the expenses of the government until the adjournment of the next regular session; that such appropriations shall not exceed the revenue for the same period, and shall not be increased or changed unless by a vote of two-thirds of each house of such next general assembly.

By restricting the general assembly from borrowing any money, unless in cases of insurrection, invasion, or war, without submitting the law, authorizing the loan and providing for its payment, to the people, at least three months before the time of voting on the same, requiring a majority of all the votes cast for members of the general assembly to give to such law validity and force.

By refusing to allow the credit of the state to be given in aid of any individual corporation or association.

By directing that all contracts for fuel, stationery, and other necessities in carrying out the operations of the government, shall be let to the lowest responsible bidder.

By adopting wholesome guards against improper and corrupting influence on this department of government—

And by providing a new mode of determining the census of the state.

In arranging the judiciary they have sought an improved system—

By devolving its powers and duties on a supreme, circuit, and county courts, and justices of the peace; authorizing the establishment of municipal courts.

By the creation of three supreme judges, to be chosen by the people.



By dividing the state into three grand divisions, and requiring at least one term annually of the said court to be held in each of them.

By fixing the term of office of said judges at nine years, and their salaries at twelve hundred dollars per annum.

By the establishment of nine circuits, in each of which is to be elected a circuit judge, whose term of office is six years, and his salary one thousand dollars.

By prescribing conservative qualifications for incumbents of the office of judge.

By the erection of a county court, the judge of which is to be elected in each county, to hold his office four years, and receive such compensation as the general assembly may provide.

By conferring on this court jurisdiction in all matters of probate.

By requiring the judge thereof, in conjunction with such justices of the peace as the general assembly may direct, to hold terms for the transaction of county business.

By providing for the election of clerks of the several courts, and constituting the clerk of either the circuit or county court *ex officio* recorder, as the general assembly may provide.

By abolishing the office of attorney general, and adopting salutary provisions for carrying into successful operation the foregoing system of courts; and by rendering a sheriff ineligible to immediate re-election.

Your delegates have endeavored further to discharge the high trusts confided to them—

By restricting the right of suffrage to all white male citizens above the age of twenty-one years, and who have resided in this state one year next preceding the election; and to such white male inhabitants above that age who shall be residents of this state at the time of the adoption of this constitution; and by requiring each voter to exercise his right only in the district or county where he actually resides.

By changing the mode of voting to ballot.

By altering the time of holding the general elections to the Tuesday next after the first Monday in November, biennially.

By directing that no new county shall be created, but at the expressed vote of a majority of all persons interested, and unless the territory of such counties contains at least four hundred square miles. By adopting other restrictions in accordance with this principle.

By requiring all laws creating corporations, not possessing banking powers, to be general.

By prohibiting the creation of any state bank whatever.

By refusing to permit the state to become interested in any corporation or association for banking purposes.

By requiring that all acts authorizing corporations or associations with banking powers, shall take effect only upon the approval of a majority of the people, at a vote to be taken at some general election.

By making all stockholders in any such corporation liable for the debts of the same, to the extent of the amount of the value of their shares in such corporation.

By allowing counties, upon a vote of a majority of the legal voters thereof, to adopt township organization in lieu of that now in force therein.

By providing for the election of an auditor of public accounts by the people, whose term of office shall be four years, and salary one thousand dollars, exclusive of clerk hire.



By providing for the election of a treasurer in the same manner, who shall hold his office two years, and receive a salary of eight hundred dollars.

By adopting an equitable system of revenue based upon the actual valuation of property.

By authorizing the levying of a capitation tax when the general assembly may deem it expedient.

By adopting a system for the organization of the militia.

By the promulgation of a declaration of the rights pertaining to citizens; and by declaring two modes by which this constitution may be amended at the option of the people of the state.

All of the foregoing provisions, and the articles in which they are contained, are to be voted upon by the people as an entire proposition.

Your delegates, however, have deemed it advisable to adopt absolutely a provision in relation to commons, local and partial in its operation, and pertaining more particularly to the citizens of Kaskaskia and Prairie du Roche.

Two articles adopted by your delegates, it has been deemed advisable to submit separately, as distinct propositions, leaving the residue of the constitution unaffected by the action thereon.

The first of these is the article restricting the immigration and introduction, under any circumstances, of free negroes into this state, after the adoption of this constitution.

The second is the article providing for the imposition of a tax of two mills on the dollar's worth of taxable property in this state, the proceeds of which are to be applied to the discharge of the entire debt known as the internal improvement debt, by first paying the principal of such debt, and the interest accrued and accruing thereon. This article contemplates a consent on the part of our creditors to this proposition. It is shown by a calculation subjoined that the entire debt will be discharged in twenty-five years, as follows:

The principal part of that debt is \$6,245,380; a two mill tax, in 1848, will produce about \$200,000. This tax will increase annually at the rate of about seven per centum throughout the twenty-five years, reasoning from experience connected with western advancement. Taking these two propositions as the basis of our calculation, in nineteen years, this tax will yield \$6,194,000, which leaves unpaid, of the principal, only \$51,380. There is, however, already accrued \$2,248,372 of interest, which will be increased to about \$3,000,000 before this provision can be carried into operation. There will accrue, during the nineteen years, \$3,559,916, making the aggregate of interest due at that time \$6,559,916, which, however, is subject to constant reduction from three-fifths of the mill and a half fund now raised, which, in the nineteen years, amounts to \$2,784,300, leaving interest then really due amounting to \$3,775,316. To this add the unpaid portion of the principal, \$51,380, and we have \$3,826,996, which, without any great increase of interest, is yet to be discharged. To do this we now have the aggregate fund produced from the three-fifths of the mill and a half tax, and from the two mill tax which, in the six following years, will produce \$4,358,700, which will liquidate the whole amount, being an excess of nearly \$500,000. All this, too, without materially increasing our burthens, when viewed in connection with the proposed reduction of state expenses.

Having thus completed the recapitulation proposed in this address, your delegates respectfully urge you to enter upon the discharge of your duties, as citizens, in connection with the proposed constitution, unbiased by preconceived views; with a patriotic determination to consider the product of our labors as an entire system of organic law. That there may be many objections to the instrument submitted, will not now be controverted; but that it is as free from



fault as the circumstances under which it has been formed would warrant, we think the candid must admit. In presenting it, and recommending its adoption, your delegates seek only to foster the best interests of the state, and the earliest development of its unbounded resources.

With an appeal to Almighty God, that He may so direct our wills and govern our acts as will most redound to His glory, and to the furtherance of the high and holy purposes we seek to advance; and that He may, under all vicissitudes, extend to us, as a people, His omnipotent protection, we commend ourselves and your interests to His allwise control.

C. H. CONSTABLE,  
M. G. DALE,  
F. S. D. MARSHALL,  
L. B. KNOWLTON,  
THOMPSON CAMPBELL,  
THOS. G. C. DAVIS,  
JOHN DAWSON,  
H. M. WEAD.

Which address was read.

On motion of Mr. Archer,

The previous question was ordered.

The question was taken, by yeas and nays, on the adoption of the address,

And decided in the affirmative,	{ Yeas,	:	:	:	:	104
	{ Nays,	:	:	:	:	29

Those voting in the affirmative, are,

Mr. Adams	Mr. N. W. Edwards	Mr. McCallen
Anderson	Evey	McCully
Archer	Frick	McClure
Atherton	Graham	McHatton
Blair	Geddes	F. S. D. Marshall
Bond	H. R. Green	Matheny
Brockman	P. Green	Mieure
Brown	Grimshaw	Miller
J. M. Campbell	Harding	Minsball
T. Campbell	Harlan	Moffett
Canady	Harper	Moore
Carter	Hawley	Morris
Choate	Hay	Northcott
Church	Hayes	Norton
Churchill	Hill	H. D. Palmer
Constable	Hurlbut	J. M. Palmer
Crain	Jackson	Peters
R. J. Cross	Jones	Pratt
Dale	Judd	Robbins
D. Davis	Kenner	Robinson
J. M. Davis	S. Kinney	Roman
Dawson	A. R. Knapp	Rountree
Deitz	N. M. Knapp	Servant
Dummer	Knowlton	Shields
Dunlap	Knox	Shumway
Dunsmore	Laughlin	Sibley
Eccles	Lemon	Sim
Edmonson	Logan	Simpson
C. Edwards	Loudon	E. O. Smith



Mr. Spencer  
Stadden  
Swan  
Thomas  
Thornton  
Trower

Mr. Turnbull  
Turner  
Tuttle  
Vance  
Vernor  
Wead

Mr. West  
Williams  
Witt  
Whitney  
Woodson  
Mr. President.

Those voting in the negative, are,

Mr. Akin  
Armstrong  
Ballingall  
Blakely  
Bosbyshell  
Bunsen  
Z. Casey  
Colby  
S. J. Cross  
Dement

Mr. Farwell  
Gregg  
Henderson  
Hoes  
Hogue  
Hunsaker  
James  
W. C. Kinney  
Kreider  
Lasater

Mr. Markley  
Mason  
Oliver  
Pace  
Scates  
J. Smith  
Thompson  
Tutt  
Whiteside.

Mr. Archer moved that the address be referred to the committee on Revision, &c., and that it be printed for distribution with the amended constitution.

Mr. Dement moved that the convention vote first on printing the address; when such division was refused.

The question was taken, by yeas and nays, upon the motion of Mr. Archer,

And decided in the affirmative,	{ Yeas,	.	.	.	.	94
	{ Nays,	.	.	.	.	30

Those voting in the affirmative, are,

Mr. Adams  
Anderson  
Archer  
Bond  
Brockman  
Canady  
Choate  
Church  
Churchill  
Constable  
R. J. Cross  
Dale  
D. Davis  
J. M. Davis  
Dawson  
Deitz  
Dunlap  
Dunsmore  
Eccles  
Edmonson  
C. Edwards  
N. W. Edwards  
Evey  
Frick  
Graham  
Geddes  
H. R. Green

Mr. P. Green  
Grimshaw  
Harding  
Harlan  
Harper  
Hay  
Hayes  
Hill  
Hurlbut  
Huston  
Jackson  
Jones  
Judd  
Kenner  
A. R. Knapp  
N. M. Knapp  
Knowlton  
Knox  
Laughlin  
Lemon  
Lockwood  
Logan  
London  
McCallen  
McCully  
McClure  
McHatton

Mr. F. S. D. Marshall  
T. A. Marshall  
Matheny  
Mieure  
Miller  
Minshall  
Moffett  
Moore  
Northcott  
H. D. Palmer  
J. M. Palmer  
Peters  
Pratt  
Rives  
Robinson  
Roman  
Servant  
Shields  
Shumway  
Sibley  
Sim  
Simpson  
E. O. Smith  
Spencer  
Stadden  
Swan  
Thomas



Mr. Trower  
Turnbull  
Turner  
Tuttle  
Vernor

Mr. Wead  
Webber  
West  
Williams

Mr. Witt  
Woodson  
Worcester  
Mr. President.

Those voting in the negative, are,

Mr. Akin  
Armstrong  
Ballingall  
Blair  
Blakely  
Bosbyshell  
Brown  
Bunsen  
Carter  
Z. Casey

Mr. Colby  
Crain  
Dement  
Gregg  
Hatch  
Henderson  
Hoes  
Hunsaker  
James  
Jenkins

Mr. W. C. Kinney  
Kreider  
Lasater  
Markley  
Mason  
Oliver  
Pace  
Robbins  
Scates  
J. Smith.

On motion of Mr. Lockwood,

*Resolved*, That the committee on Revision be required, before the final adoption of the amended constitution, to correct their report of the constitution, whenever they shall become satisfied that they have omitted any provisions that have been ordered by the convention to form a part of the constitution, and that they report such correction or corrections, if any, to the convention.

Mr. A. R. Knapp, from the committee on the Bill of Rights, to which had been referred two several petitions of H. J. Grimsley and others, and of R. H. Peck, S. A. W. Jewett and others, of Will county, in relation to slavery and free persons of color; also four resolutions, proposed respectively by Messrs. Dawson, Church, West, and T. G. C. Davis, reported the same back to the convention, and obtained discharge from their further consideration.

On motion of Mr. Logan,

The following was adopted, and referred to the committee on Revision, &c.

"SEC. —. Nothing in this constitution shall prevent the general assembly from passing such laws in relation to the apprenticeship of minors, as may be necessary and proper."

On motion of Mr. Logan,

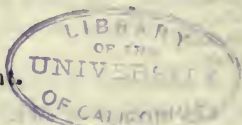
*Resolved*, That the secretary of state furnish each member and officer of the convention with two copies of its journal; that two hundred copies of said journal be retained in the office of the secretary of state; that one copy be transmitted to each state of the Union, one to the librarian of congress, for the library of that body, one to the secretary of state of the United States, for the department of state; and that the remainder of the copies, ordered to be printed, be distributed among the several counties of this state, in proportion to their white population.

On motion,

The convention adjourned until 5 o'clock, P. M.



FIVE O'CLOCK, P. M.



The convention met pursuant to adjournment.

Mr. Eccles offered the following:

*Resolved*, That the president of the convention certify the number of days James T. Ewing has been employed in copying the journal, and that he receive the same compensation per diem as the assistant secretary of this convention.

Mr. Northcott moved to lay the resolution on the table. The motion was rejected.

The question was put, by yeas and nays, upon the adoption of the resolution,

And decided in the affirmative,	{ Yeas,	:	:	:	:	85
	{ Nays,	:	:	:	:	32

Those voting in the affirmative, are,

Mr. Akin

Anderson  
Armstrong  
Ballingall  
Blakely  
Bond  
Bosbyshell  
Brockman  
Brown  
Bunsen  
J. M. Campbell  
T. Campbell  
Canady  
Carter  
Z. Casey  
Choate  
Churchill  
Colby  
Crain  
S. J. Cross  
Dale  
Dawson  
Deitz  
Dement  
Dummer  
Dunn  
Dunsmore  
Eccles  
Edmonson

Mr. Evey

Farwell  
H. R. Green  
P. Green  
Gregg  
Grimshaw  
Hatch  
Henderson  
Hill  
Hoes  
Hogue?  
Hurlbut  
Huston  
Kenner  
Kitchell  
Kreider  
Lasater  
Laughlin  
Lemon  
Linley  
London  
McCallen  
McCully  
McClure  
McHatton  
Markley  
F. S. D. Marshall  
T. A. Marshall

Mr. Mieure

Miller  
Minshall  
Moffett  
Moore  
J. M. Palmer  
Pratt  
Robbins  
Robinson  
Roman  
Shumway  
Sibley  
Simpson  
E. O. Smith  
J. Smith  
Stadden  
Thompson  
Thornton  
Trower  
Turnbull  
Vance  
Vernor  
Wead  
Webber  
Whiteside  
Whitney  
Mr. President.

Those voting in the negative, are,

Mr. Adams

Church  
R. J. Cross  
N. W. Edwards  
Frick  
Graham

Mr. Geddes

Harding  
Harlan  
Harper  
Hunsaker  
Jackson

Mr. Jenkins

Jones  
S. Kinney  
Knox  
Logan  
Morris



Mr. Norton  
Oliver  
Peters  
Pinckney  
Rives

Mr. Shields  
Spencer  
Swan  
Thomas

Mr. Turner  
Tutt  
Tuttle  
Witt.

On motion of Mr. Dement,

*Resolved*, That the president of this convention deliver to the secretary of state, in open convention, the enrolled amended constitution, to be by him deposited in his office, among the archives of this state.

On motion of Mr. Edmonson,

(Mr. Harvey being in the chair.)

*Resolved, unanimously*, That the thanks of this convention be tendered to the president, the Hon. Newton Cloud, for the courteous, impartial, dignified, and able manner in which he has presided over its deliberations.

On motion of Mr. Gregg,

*Resolved, unanimously*, That Henry W. Moore and Harman G. Reynolds are entitled to the thanks of this convention, for the prompt and efficient manner in which they have discharged their duties as secretaries.

On motion of Mr. N. M. Knapp,

*Resolved, unanimously*, That the thanks of this convention be tendered to the several clergymen, who have acted as chaplains to this convention.

On motion,

The convention adjourned until to-morrow morning at 8 o'clock.

## TUESDAY, AUGUST 31, 1847.

The convention assembled pursuant to adjournment.

Prayer by the Rev. Mr. Bergen.

Mr. Thomas, from the committee on Revision, &c., reported the following as a substitute for the schedule referred to them:

### SCHEDULE.

That no inconvenience may arise from the alterations and amendments made in the constitution of this state, and to carry the same into complete effect, it is hereby ordained and declared:

**SECTION 1.** That all laws in force at the adoption of this constitution, not inconsistent therewith, and all rights, actions, prosecutions, claims, and contracts of this state, individuals or bodies corporate, shall continue and be as valid as if this constitution had not been adopted.

**SEC. 2.** That all fines, penalties, and forfeitures due and owing to the state of Illinois under the present constitution and laws, shall enure to the use of the people of the state of Illinois under this constitution.

**SEC. 3.** Recognizances, bonds, obligations, and all other instruments entered into and executed, before the adoption of this constitution, to the people of the state of Illinois, to any state or county officer or public body, shall remain binding and valid, and rights and liabilities upon the same



shall continue, and all crimes and misdemeanors shall be prosecuted and punished as though no change had been made in the constitution of this state.

SEC. 4. That "article XI," entitled "commons," is hereby adopted as a part of the constitution of this state, without being submitted to be voted upon by the people.

SEC. 5. That at the first election fixed by this constitution for the election of judges, there shall be elected one judge in each of the nine judicial circuits now established in this state.

SEC. 6. The county commissioners' courts and the probate justices of the several counties shall continue in existence and exercise their present jurisdiction until the county court, provided in this constitution, is organized in pursuance of an act of the general assembly to be passed at its first session.

SEC. 7. That the clerk of the circuit court, in each county fixed by this constitution as the place for holding the supreme court, shall be *ex officio* clerk of the supreme court, until the clerks of said court shall be elected and qualified, as provided in this constitution, and all laws now in force, in relation to the clerk of the supreme court, shall be applicable to said clerks and their duties.

SEC. 8. That the sheriffs, state's attorneys, and all other officers elected under this constitution shall perform such duties as shall be prescribed by law.

SEC. 9. That the oaths of office herein required to be taken may be administered by a justice of the peace until otherwise provided by law.

SEC. 10. That this constitution shall be submitted to the people for their adoption or rejection at an election to be held on the first Monday in March, A. D. 1848, and there shall also be submitted for adoption or rejection at the same time, the separate articles in relation to the immigration of colored persons and the public debt.

SEC. 11. That every person entitled to vote for members of the general assembly, by the constitution and laws now in force, shall on the first Monday in March, A. D. 1848, be entitled to vote for the adoption or rejection of the constitution, and for and against the aforesaid articles separately submitted, and the said qualified electors shall vote in the counties in which they respectively reside, at the usual places of voting, and not elsewhere; and the said election shall be conducted according to the laws now in force in relation to the election of governor, so far as applicable, except as herein otherwise provided.

SEC. 12. That the poll-book to be used at said election shall, as nearly as practicable, be in the following form, to wit:



POLL-BOOK of an election held at ——— precinct, in the county of ———  
on the first Monday in March, A. D. 1818, for the adoption or rejection  
of the Constitution, as amended, and the separate articles submitted.

NAMES OF VOTERS.	Adoption of Constitution.	Rejection of Constitution.	For the article in relation to colored persons.	Against the article in relation to colored persons.	For the article for the two mill tax.	Against the article for the two mill tax.
A. B. . . . .	1		1		1	
C. D. . . . .		1	2		2	
	2		3	1	3	1

SEC. 13. That the returns of the votes for the adoption or rejection of this constitution, and for and against the separate articles submitted, shall be made to the secretary of state within fifty days after the election, and the returns of the votes shall, within five days thereafter, be examined and canvassed by the auditor, treasurer and secretary of state, or any two of them, in the presence of the governor, and proclamation shall be made by the governor forthwith of the result of the polls. If it shall appear, that a majority of all the votes polled are for the adoption of this constitution, it shall be the supreme law of the land, from and after the first day of April, A. D. 1848, but if it shall appear that a majority of the votes polled were given against the constitution, the same shall be null and void. If it shall further appear that a majority of the votes polled shall have been given for the separate article in relation to colored persons, or the article for the two mill tax, then said article, or articles, shall be and form a part of this constitution; otherwise said article, or articles, shall be null and void.

SEC. 14. That if this constitution shall be ratified by the people, the governor shall forthwith, after having ascertained the fact, issue writs of election to the sheriffs of the several counties in this state; or, in case of vacancy, to the coroners, for the election of all the officers the time of whose election is fixed by this constitution, or schedule; and it shall be the duty of said sheriffs or coroners to give at least twenty days' notice of the time and place of said election, in the manner now provided by law.

SEC. 15. The general assembly shall, at its first session after the adoption of this constitution, provide by law for the mode of voting by ballot, and also for the manner of returning, canvassing, and certifying the number of votes cast at any election; and until said law shall be passed, all elections shall be *viva voce*, and the laws now in force regulating elections shall continue in force until the general assembly shall provide otherwise, as herein directed.



SEC. 16. That the first general election of governor, secretary of state, auditor, treasurer, and members of the general assembly, and of such other officers as are to be elected at the same time, shall be held on the first Monday of August, eighteen hundred and forty-eight, anything in this constitution to the contrary notwithstanding. County officers then elected shall hold their respective offices until their successors are elected or appointed, in conformity with laws hereafter enacted.

SEC. 17. That returns of the election of justices of the supreme and judges of the circuit courts, secretary of state, auditor, and treasurer, shall be made and canvassed as is now provided by law for representatives in congress; and returns for members of the general assembly and county officers shall be made and canvassed as is now provided by law.

SEC. 18. That all laws of the state of Illinois, and all official writings, and the executive, legislative, and judicial proceedings, shall be conducted, preserved, and published in no other than the English language.

SEC. 19. On the first Monday in December, one thousand eight hundred and forty-eight, the term of office of judges of the supreme court, state's attorneys, and of the clerks of the supreme and circuit courts, shall expire; and on said day, the term of office of the judges, state's attorneys, and clerks elected under the provisions of this constitution, shall commence. The judges of the supreme court, elected as aforesaid, shall have and exercise the powers and jurisdiction conferred upon the present judges of that court; and the said judges of the circuit courts shall have and exercise the powers and jurisdiction conferred upon the judges of those courts, subject to the provisions of this constitution.

SEC. 20. On the first Monday of December, one thousand eight hundred and forty-eight, jurisdiction of all suits and proceedings then pending in the present supreme court shall become vested in the supreme court established by this constitution, and shall be finally adjudicated by the court where the same may be pending. The jurisdiction of all suits and proceedings then pending in the circuit courts of the several counties shall be vested in the circuit courts of said counties, and the jurisdiction of all suits and proceedings in the Cook and Jo Daviess county courts shall be vested in the circuit courts of those counties respectively.

SEC. 21. The Cook and Jo Daviess county courts shall continue to exist, and the judge and other officers of the same remain in office until otherwise provided by law.

SEC. 22. Until otherwise provided by law, the terms of the supreme court shall be held as follows: In the first division, on the first Monday of December, A. D. 1848, and annually thereafter. In the second division, on the third Monday of December, A. D. 1848, and annually thereafter. In the third division, on the first Monday of February, A. D. 1849, and annually thereafter. The sheriffs of Jefferson and La Salle counties shall perform the same duties and receive the same compensation as is required and provided for the sheriff of Sangamon county, until otherwise provided by law.

SEC. 23. Nothing in this constitution shall prevent the general assembly from passing such laws in relation to the apprenticeship of minors, during their minority, as may be necessary and proper.

SEC. 24. That the general assembly shall pass all laws necessary to carry into effect the provisions of this constitution.



SEC. 25. Elections of judges of the supreme and circuit courts shall be subject to be contested.

SEC. 26. Contested elections of judges of the supreme court shall be tried by the senate, and of judges of the circuit court by the supreme court, and the general assembly shall prescribe the mode of proceeding therein.

The question was taken, and the substitute agreed to.

The same committee also reported that they had discovered two errors in the engrossed copy of the articles heretofore reported, to-wit:

One in the seventh section, and one in the 34th section, of article three, which they had corrected.

The committee also reported that the article adopted in relation to internal improvement, reported by Mr. Churchill, from the committee on Agriculture, &c., had been engrossed and enrolled as the last section of the article on corporations.

The report was agreed to.

On motion of Mr. J. M. Campbell,

The reading of the journal of yesterday was dispensed with.

Mr. Thomas, from the committee on the Revision and Adjustment, &c., reported the constitution, schedule, and separate articles as correctly enrolled; which were read as follows:

## CONSTITUTION.

### PREAMBLE.

We, the PEOPLE of the state of Illinois—grateful to ALMIGHTY GOD for the civil, political and religious liberty, which HE hath so long permitted us to enjoy, and looking to HIM for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations—in order to form a more perfect government, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the state of Illinois.

### ARTICLE I.

#### BOUNDARIES.

SECTION 1. The boundaries and jurisdiction of the state shall be as follows, to wit: Beginning at the mouth of the Wabash river; thence up the same, and with the line of Indiana, to the north-west corner of said state; thence east, with the line of the same state, to the middle of lake Michigan; thence north, along the middle of said lake, to north latitude forty-two degrees and thirty minutes; thence west to the middle of the Mississippi river, and thence down, along the middle of that river, to its confluence with the Ohio river; and thence up the latter river, along its north-western shore, to the place of beginning; *Provided*, that this state shall exercise such jurisdiction upon the Ohio river as she is now entitled to, or such as may hereafter be agreed upon by this state and the state of Kentucky.



## ARTICLE II.

## CONCERNING THE DISTRIBUTION OF THE POWERS OF GOVERNMENT.

SECTION 1. The powers of the government of the state of Illinois shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

SEC. 2. No person, or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted, and all acts in contravention of this section shall be void.

## ARTICLE III.

## OF THE LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative authority of this state shall be vested in a general assembly; which shall consist of a senate and house of representatives, both to be elected by the people.

SEC. 2. The first election for senators and representatives shall be held on the Tuesday after the first Monday in November, one thousand eight hundred and forty-eight; and thereafter, elections for members of the general assembly shall be held once in two years, on the Tuesday next after the first Monday in November, in each and every county, at such places therein as may be provided by law.

SEC. 3. No person shall be a representative who shall not have attained the age of twenty-five years; who shall not be a citizen of the United States, and three years an inhabitant of this state; who shall not have resided within the limits of the county or district in which he shall be chosen twelve months next preceding his election, if such county or district shall have been so long erected; but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been taken, unless he shall have been absent on the public business of the United States, or of this state; and who, moreover, shall not have paid a state or county tax.

SEC. 4. No person shall be a senator who shall not have attained the age of thirty years; who shall not be a citizen of the United States, five years an inhabitant of this state, and one year in the county or district in which he shall be chosen immediately preceding his election, if such county or district shall have been so long erected; but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been taken, unless he shall have been absent on the public business of the United States, or of this state, and shall not, moreover, have paid a state or county tax.

SEC. 5. The senators at their first session herein provided for shall be divided by lot, as near as can be, into two classes. The seats of the first class shall be vacated at the expiration of the second year, and those of



the second class at the expiration of the fourth year; so that one-half thereof, as near as possible, may be biennially chosen forever thereafter.

SEC. 6. The senate shall consist of twenty-five members, and the house of representatives shall consist of seventy-five members, until the population of the state shall amount to one million of souls, when five members may be added to the house, and five additional members for every five hundred thousand inhabitants thereafter, until the whole number of representatives shall amount to one hundred; after which, the number shall neither be increased nor diminished; to be apportioned among the several counties according to the number of white inhabitants. In all future apportionments, where more than one county shall be thrown into a representative district, all the representatives to which said counties may be entitled shall be elected by the entire district.

SEC. 7. No person elected to the general assembly shall receive any civil appointment within this state, or to the senate of the United States, from the governor, the governor and senate, or from the general assembly, during the term for which he shall have been elected; and all such appointments, and all votes given for any such member for any such office or appointment, shall be void; nor shall any member of the general assembly be interested, either directly or indirectly, in any contract with the state, or any county thereof, authorized by any law passed during the time for which he shall have been elected, or during one year after the expiration thereof.

SEC. 8. In the year one thousand eight hundred and fifty-five, and every tenth year thereafter, an enumeration of all the inhabitants of this state shall be made in such manner as shall be directed by law; and in the year eighteen hundred and fifty, and every tenth year thereafter, the census taken by authority of the government of the United States shall be adopted by the general assembly as the enumeration of this state; and the number of senators and representatives shall, at the first regular session holden after the returns herein provided for are made, be apportioned among the several counties or districts to be established by law, according to the number of white inhabitants.

SEC. 9. Senatorial and representative districts shall be composed of contiguous territory bounded by county lines; and only one senator allowed to each senatorial, and not more than three representatives to any representative district; *Provided*, that cities and towns containing the requisite population may be erected into separate districts.

SEC. 10. In forming senatorial and representative districts, counties containing a population of not more than one-fourth over the existing ratio, shall form separate districts, and the excess shall be given to the nearest county or counties not having a senator or representative, as the case may be, which has the largest white population.

SEC. 11. The first session of the general assembly shall commence on the first Monday of January, one thousand eight hundred and forty-nine and forever after, the general assembly shall meet on the first Monday of January next ensuing the election of the members thereof, and at no other period, unless as provided by this constitution.

SEC. 12. The senate and house of representatives, when assembled shall each choose a speaker and other officers, (the speaker of the senate



except ed.) Each house shall judge of the qualifications and election of its members, and sit upon its own adjournments. Two-thirds of each house shall constitute a quorum; but a smaller number may adjourn from day to day, and compel the attendance of absent members.

SEC. 13. Each House shall keep a journal of its proceedings, and publish them. The yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journals.

SEC. 14. Any two members of either house shall have liberty to dissent and protest against any act or resolution, which they may think injurious to the public, or to any individual, and have the reasons of their dissent entered on the journals.

SEC. 15. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of all the members elected, expel a member, but not a second time for the same cause; and the reason for such expulsion shall be entered upon the journal, with the names of the members voting on the question.

SEC. 16. When vacancies shall happen in either house, the governor, or the person exercising the powers of governor, shall issue writs of election to fill such vacancies.

SEC. 17. Senators and representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

SEC. 18. Each house may punish, by imprisonment during its session, any person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in their presence; *Provided*, such imprisonment shall not, at any one time, exceed twenty-four hours.

SEC. 19. The doors of each house, and of committees of the whole, shall be kept open, except in such cases as in the opinion of the house require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two houses shall be sitting.

SEC. 20. The style of the laws of this state shall be: "*Be it enacted by the People of the state of Illinois, represented in the general assembly.*"

SEC. 21. Bills may originate in either house, but may be altered, amended, or rejected by the other; and on the final passage of all bills, the vote shall be by ayes and noes, and shall be entered on the journal; and no bill shall become a law without the concurrence of a majority of all the members elect in each house.

SEC. 22. Bills making appropriations for the pay of the members and officers of the general assembly, and for the salaries of the officers of the government, shall not contain any provision on any other subject.

SEC. 23. Every bill shall be read on three different days in each house, unless, in case of urgency, three-fourths of the house, where such bill is so depending, shall deem it expedient to dispense with this rule; and every bill, having passed both houses, shall be signed by the speakers of their respective houses; and no private or local law which may be passed by the general assembly shall embrace more than one subject, and that shall be expressed in the title. And no public act of the general assembly shall



take effect or be in force until the expiration of sixty days from the end of the session at which the same may be passed, unless in case of emergency the general assembly shall otherwise direct.

SEC. 24. The sum of two dollars per day, for the first forty-two days' attendance, and one dollar per day, for each days' attendance thereafter, and ten cents for each necessary mile's travel, going to and returning from the seat of government, shall be allowed to the members of the general assembly, as a compensation for their services, and no more. The speaker of the house of representatives shall be allowed the sum of one dollar per day, in addition to his per diem as a member.

SEC. 25. The per diem and mileage allowed to each member of the general assembly shall be certified by the speakers of their respective houses, and entered on the journals, and published at the close of each session.

SEC. 26. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and an accurate statement of the receipts and expenditures of the public money shall be attached to, and published with, the laws at the rising of each session of the general assembly. And no person, who has been or may be a collector or holder of public moneys, shall be eligible to a seat in either house of the general assembly, nor be eligible to any office of profit or trust in this state, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable.

SEC. 27. The house of representatives shall have the sole power of impeaching; but a majority of all the members elected must concur in an impeachment. All impeachments shall be tried by the senate; and when sitting for that purpose, the senators shall be upon oath, or affirmation, to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the senators elected.

SEC. 28. The governor, and other civil officers under this state, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, profit, or trust, under this state. The party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

SEC. 29. No judge of any court of law or equity, secretary of state, attorney general, attorney for the state, recorder, clerk of any court of record, sheriff or collector, member of either house of congress, or person holding any lucrative office under the United States or of this state—provided that appointments in the militia, or justices of the peace, shall not be considered lucrative offices—shall have a seat in the general assembly; nor shall any person, holding any office of honor or profit under the government of the United States, hold any office of honor or profit under the authority of this state.

SEC. 30. Every person who shall be chosen or appointed to any office of trust or profit shall, before entering upon the duties thereof, take an oath to support the constitution of the United States, and of this state, and also an oath of office.

SEC. 31. The general assembly shall have full power to exclude from the privilege of electing, or being elected, any person convicted of bribery, perjury, or other infamous crime.



SEC. 32. The general assembly shall have no power to grant divorces, but may authorize the courts of justice to grant them for such causes as may be specified by law; *Provided*, that such laws be general and uniform in their operation.

SEC. 33. The general assembly shall never grant or authorize extra compensation to any public officer, agent, servant, or contractor, after the service shall have been rendered, or the contract entered into.

SEC. 34. The general assembly shall direct by law in what manner suits may be brought against the state.

SEC. 35. The general assembly shall have no power to authorize lotteries for any purpose, nor to revive or extend the charter of the state bank, or the charter of any other bank heretofore existing in this state, and shall pass laws to prohibit the sale of lottery tickets in this state.

SEC. 36. The general assembly shall have no power to authorize, by private or special law, the sale of any lands or other real estate belonging in whole or in part to any individual or individuals.

SEC. 37. Each general assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government until the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of each house, nor exceed the amount of revenue authorized by law to be raised in such time; *Provided*, the state may, to meet casual deficits or failures in revenues, contract debts never to exceed in the aggregate fifty thousand dollars; and the moneys thus borrowed shall be applied to the purpose for which they were obtained, or to re-pay the debt thus made, and to no other purpose; and no other debt, except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, (for payment of which the faith of the state shall be pledged,) shall be contracted, unless the law authorizing the same shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for members of the general assembly at such election. The general assembly shall provide for the publication of said law for three months at least before the vote of the people shall be taken upon the same; and provision shall be made, at the time, for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue; which law, providing for the payment of such interest by such tax, shall be irrevocable until such debt be paid; *And provided, further*, that the law levying the tax shall be submitted to the people with the law authorizing the debt to be contracted.

SEC. 38. The credit of the state shall not, in any manner, be given to, or in aid of, any individual, association, or corporation.

SEC. 39. The general assembly shall provide, by law, that the fuel and stationery furnished for the use of the state, the copying, printing, binding, and distributing the laws and journals, and all other printing ordered by the general assembly, shall be let, by contract, to the lowest responsible bidder; and that no member of the general assembly, or other officer of the state, shall be interested, either directly or indirectly, in any such contract; *Provided*, That the general assembly may fix a maximum price.

SEC. 40. Until there shall be a new apportionment of senators and



representatives, the state shall be divided into senatorial and representative districts, and the senators and representatives shall be apportioned among the several districts, as follows, viz:

SENATORIAL DISTRICTS.

1. The counties of Alexander, Union, Pulaski, Johnson, Massac, Pope, and Hardin shall constitute the first senatorial district, and shall be entitled to one senator.

2. The counties of Gallatin, Saline, Williamson, Franklin, and White shall constitute the second senatorial district, and be entitled to one senator.

3. The counties of Jefferson, Wayne, Marion, and Hamilton shall constitute the third senatorial district, and be entitled to one senator.

4. The counties of Washington, Perry, Randolph, and Jackson shall constitute the fourth senatorial district, and be entitled to one senator.

5. The counties of St. Clair and Monroe shall constitute the fifth senatorial district, and be entitled to one senator.

6. The counties of Madison and Clinton shall constitute the sixth senatorial district, and be entitled to one senator.

7. The counties of Christian, Shelby, Montgomery, Bond, and Fayette shall constitute the seventh senatorial district, and be entitled to one senator.

8. The counties of Effingham, Jasper, Clay, Richland, Lawrence, Edwards, and Wabash shall constitute the eighth senatorial district, and be entitled to one senator.

9. The counties of Edgar, Clark, and Crawford shall constitute the ninth senatorial district, and be entitled to one senator.

10. The counties of Vermilion, Champaign, Piatt, Moultrie, Coles, and Cumberland shall constitute the tenth senatorial district, and be entitled to one senator.

11. The counties of Tazewell, McLean, Logan, De Witt, and Macon shall constitute the eleventh senatorial district, and be entitled to one senator.

12. The counties of Sangamon, Menard, and Mason shall constitute the twelfth senatorial district, and be entitled to one senator.

13. The counties of Macoupin, Jersey, Greene, and Calhoun shall constitute the thirteenth senatorial district, and be entitled to one senator.

14. The counties of Morgan, Scott, and Cass shall constitute the fourteenth senatorial district, and be entitled to one senator.

15. The counties of Adams and Pike shall constitute the fifteenth senatorial district, and be entitled to one senator.

16. The counties of McDonough, Schuyler, Brown, and Highland shall constitute the sixteenth senatorial district, and be entitled to one senator.

17. The counties of Hancock and Henderson shall constitute the seventeenth senatorial district, and be entitled to one senator.

18. The counties of Fulton and Peoria shall constitute the eighteenth senatorial district, and be entitled to one senator.

19. The counties of Rock Island, Henry, Mercer, Warren, Knox,



and Stark shall constitute the nineteenth senatorial district, and be entitled to one senator.

20. The counties of La Salle, Bureau, Putnam, Marshall, Woodford, Livingston, and Grundy shall constitute the twentieth senatorial district, and be entitled to one senator.

21. The counties of Du Page, Kendall, Will, and Iroquois shall constitute the twenty-first senatorial district, and be entitled to one senator.

22. The counties of Ogle, Lee, DeKalb, and Kane shall constitute the twenty-second senatorial district, and be entitled to one senator.

23. The counties of Jo Daviess, Stephenson, Carroll, and Whiteside shall constitute the twenty-third senatorial district, and be entitled to one senator.

24. The counties of McHenry, Boone, and Winnebago shall constitute the twenty-fourth senatorial district, and be entitled to one senator.

25. The counties of Cook and Lake shall constitute the twenty-fifth senatorial district, and be entitled to one senator.

#### REPRESENTATIVE DISTRICTS.

1. The counties of Union, Alexander, and Pulaski shall constitute the first representative district, and be entitled to one representative.

2. The counties of Massac, Pope, and Hardin shall constitute the second representative district, and be entitled to one representative.

3. The counties of Gallatin and Saline shall constitute the third representative district, and be entitled to one representative.

4. The counties of Johnson and Williamson shall constitute the fourth representative district, and be entitled to one representative.

5. The counties of Jackson and Franklin shall constitute the fifth representative district, and be entitled to one representative.

6. The counties of Marion, Jefferson, Wayne, and Hamilton shall constitute the sixth representative district, and be entitled to three representatives; *Provided*, that no county in said district shall have more than one of said representatives, and the county from which a senator shall be selected shall not be entitled to a representative residing in said county.

7. The county of White shall constitute the seventh representative district, and be entitled to one representative.

8. The counties of Wabash and Edwards shall constitute the eighth representative district, and be entitled to one representative.

9. The counties of Lawrence and Richland shall constitute the ninth representative district, and be entitled to one representative.

10. The counties of Crawford and Jasper shall constitute the tenth representative district, and be entitled to one representative.

11. The county of Coles shall constitute the eleventh representative district, and be entitled to one representative.

12. The county of Clark shall constitute the twelfth representative district, and be entitled to one representative.

13. The counties of Cumberland, Effingham, and Clay shall constitute the thirteenth representative district, and be entitled to one representative.





14. The county of Fayette shall constitute the fourteenth representative district, and be entitled to one representative.

15. The counties of Montgomery, Bond, and Clinton shall constitute the fifteenth representative district, and be entitled to two representatives.

16. The counties of Washington and Perry shall constitute the sixteenth representative district, and be entitled to one representative.

17. The county of Randolph shall constitute the seventeenth representative district, and be entitled to one representative.

18. The county of Monroe shall constitute the eighteenth representative district, and be entitled to one representative.

19. The county of Saint Clair shall constitute the nineteenth representative district, and be entitled to two representatives.

20. The county of Madison shall constitute the twentieth representative district, and be entitled to two representatives.

21. The county of Macoupin shall constitute the twenty-first representative district, and be entitled to one representative district.

22. The counties of Jersey and Greene shall constitute the twenty-second representative district, and be entitled to two representatives.

23. The county of Scott shall constitute the twenty-third representative district, and be entitled to one representative.

24. The county of Morgan shall constitute the twenty-fourth representative district, and be entitled to two representatives.

25. The counties of Cass and Menard shall constitute the twenty-fifth representative district, and be entitled to one representative.

26. The county of Sangamon shall constitute the twenty-sixth representative district, and be entitled to two representatives.

27. The counties of Mason and Logan shall constitute the twenty-seventh representative district, and be entitled to one representative.

28. The county of Tazewell shall constitute the twenty-eighth representative district, and be entitled to one representative.

29. The counties of McLean and DeWitt shall constitute the twenty-ninth representative district, and be entitled to one representative.

30. The county of Vermilion shall constitute the thirtieth representative district, and be entitled to one representative.

31. The county of Edgar shall constitute the thirty-first representative district, and be entitled to one representative.

32. The counties of Champaign, Piatt, Moultrie, and Macon shall constitute the thirty-second representative district, and be entitled to one representative.

33. The counties of Shelby and Christian shall constitute the thirty-third representative district, and be entitled to one representative.

34. The counties of Pike and Calhoun shall constitute the thirty-fourth representative district, and be entitled to two representatives.

35. The counties of Adams, Highland, and Brown shall constitute the thirty-fifth representative district, and be entitled to three representatives.

36. The county of Schuyler shall constitute the thirty-sixth representative district, and be entitled to one representative.



37. The county of Hancock shall constitute the thirty-seventh representative district, and be entitled to two representatives.

38. The county of McDonough shall constitute the thirty-eighth representative district, and be entitled to one representative.

29. The county of Fulton shall constitute the thirty-ninth representative district, and be entitled to two representatives.

40. The county of Peoria shall constitute the fortieth representative district, and be entitled to one representative.

41. The county of Knox shall constitute the forty-first representative district, and be entitled to one representative.

42. The counties of Mercer, Warren, and Henderson shall constitute the forty-second representative district, and be entitled to two representatives.

43. The counties of Rock Island, Henry, and Stark shall constitute the forty-third representative district, and be entitled to one representative.

44. The counties of Whiteside and Lee shall constitute the forty-fourth representative district, and be entitled to one representative.

45. The counties of Carroll and Ogle shall constitute the forty-fifth representative district, and be entitled to one representative.

46. The counties of Jo Daviers and Stephenson shall constitute the forty-sixth representative district, and be entitled to two representatives.

47. The county of Winnebago shall constitute the forty-seventh representative district, and be entitled to one representative.

48. The counties of Putnam, Marshall, and Woodford shall constitute the forty-eighth representative district, and be entitled to one representative.

49. The county of La Salle, Grundy, Livingston, and Bureau shall constitute the forty-ninth representative district, and be entitled to two representatives.

50. The counties of Du Page, Kendall, Will, and Iroquois shall constitute the fiftieth representative district, and be entitled to three representatives.

51. The counties of Kane and DeKalb shall constitute the fifty-first representative district, and be entitled to two representatives.

52. The counties of Boone and McHenry shall constitute the fifty-second representative district, and be entitled to two representatives.

53. The county of Lake shall constitute the fifty-third representative district, and be entitled to one representative.

54. The county of Cook shall constitute the fifty-fourth representative district, and be entitled to two representatives.

Sec. 41. Until the general assembly shall otherwise provide, the clerks of the county commissioners' courts in each of the aforesaid senatorial districts, and in such of the representative districts as may be composed of more than one county, shall meet at the county seat of the oldest county in said district, within thirty days next after any election for senator or representative therein, for the purpose of comparing and canvassing the votes given at such election; and the said clerks shall in all other respects conform to the laws on the subject in force at the time of the adoption of this constitution.



## ARTICLE IV.

## OF THE EXECUTIVE DEPARTMENT.

SECTION 1. The executive power of the state shall be vested in a governor.

SEC. 2. The first election of governor shall be held on Tuesday next after the first Monday in November, A. D. 1848; and the next election shall be held on Tuesday next after the first Monday of November, A. D. 1852; and thereafter an election for governor shall be held once in four years, on Tuesday next after the first Monday of November. The governor shall be chosen by the electors of the members of the general assembly, at the same places and in the same manner that they shall, respectively, vote for members thereof. The returns for every election of governor shall be sealed up, and transmitted to the seat of government, by the returning officers, directed to the speaker of the house of representatives, who shall open and publish them in the presence of a majority of the members of each house of the general assembly. The person having the highest number of votes shall be governor; but if two or more be equal and highest in votes, then one of them shall be chosen governor by joint ballot of both houses of the general assembly. Contested elections shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

SEC. 3. The first governor shall enter upon the duties of his office on the second Monday of January, A. D. 1849, and shall hold his office until the second Monday of January, A. D. 1853, and until his successor shall have been elected and qualified; and thereafter the governor shall hold his office for the term of four years, and until his successor shall have been elected and qualified; but he shall not be eligible to such office more than four years in any term of eight years, nor to any other office until after the expiration of the term for which he was elected.

SEC. 4. No person except a citizen of the United States shall be eligible to the office of governor; nor shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been ten years a resident of this state, and fourteen years a citizen of the United States.

SEC. 5. The governor shall reside at the seat of government, and receive a salary of fifteen hundred dollars per annum, which shall not be increased or diminished; and he shall not, during the time for which he shall have been elected, receive any emolument from the United States, or either of them.

SEC. 6. Before he enters upon the duties of his office, he shall take the following oath or affirmation, to wit: "I do solemnly swear (or affirm) that I will faithfully execute the duties appertaining to the office of governor of the state of Illinois; and will, to the best of my ability, preserve, protect, and defend the constitution of this state; and will, also, support the constitution of the United States."

SEC. 7. He shall, from time to time, give the general assembly information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.



SEC. 8. The governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offences, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper; subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the general assembly at its next meeting, when the general assembly shall pardon the convict, commute the sentence, direct the execution thereof, or grant a further reprieve. He shall, biennially, communicate to the general assembly each case of reprieve, commutation, or pardon granted, stating the name of the convict, the crime for which he was convicted, the sentence and its date, and the date of commutation, pardon, or reprieve.

SEC. 9. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

SEC. 10. He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state in said proclamation the purpose for which they are to convene; and the general assembly shall enter on no legislative business except that for which they were specially called together.

SEC. 11. He shall be commander-in-chief of the army and navy of this state, and of the militia, except when they shall be called into the service of the United States.

SEC. 12. The governor shall nominate and, by and with the advice and consent of the senate (a majority of all the senators concurring,) appoint all officers whose offices are established by this constitution, or which may be created by law, and whose appointments are not otherwise provided for; and no such officer shall be appointed or elected by the general assembly.

SEC. 13. In case of disagreement between the two houses with respect to the time of adjournment, the governor shall have power to adjourn the general assembly to such time as he thinks proper, provided it be not to a period beyond the next constitutional meeting of the same.

SEC. 14. A lieutenant governor shall be chosen at every election of governor, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for governor and lieutenant governor, the electors shall distinguish whom they vote for as governor, and whom as lieutenant governor.

SEC. 15. The lieutenant governor shall, by virtue of his office, be speaker of the senate, have a right, when in committee of the whole, to debate and vote on all subjects, and, whenever the senate are equally divided, to give the casting vote.

SEC. 16. Whenever the government shall be administered by the lieutenant governor, or he shall be unable to attend as speaker of the senate, the senators shall elect one of their own number as speaker for that occasion; and if, during the vacancy of the office of governor, the lieutenant governor shall be impeached, removed from office, refuse to qualify, or resign or die, or be absent from the state, the speaker of the senate shall, in like manner, administer the government.



SEC. 17. The lieutenant governor, while he acts as speaker of the senate, shall receive for his services the same compensation which shall, for the same period, be allowed to the speaker of the house of representatives, and no more.

SEC. 18. If the lieutenant governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be absent from the state, during the recess of the general assembly, it shall be the duty of the secretary of state, for the time being, to convene the senate for the purpose of choosing a speaker.

SEC. 19. In case of the impeachment of the governor, his absence from the state, or inability to discharge the duties of his office, the powers, duties, and emoluments of the office shall devolve upon the lieutenant governor; and in case of his death, resignation, or removal, then upon the speaker of the senate for the time being, until the governor, absent or impeached, shall return or be acquitted; or until the disqualification or inability shall cease; or until a new governor shall be elected and qualified.

SEC. 20. In case of a vacancy in the office of governor, for any other cause than those herein enumerated, or in case of the death of the governor elect before he is qualified, the powers, duties, and emoluments of the office shall devolve upon the lieutenant governor, or speaker of the senate, as above provided, until a new governor be elected and qualified.

SEC. 21. Every bill which shall have passed the senate and house of representatives shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it; but if not, he shall return it with his objections, to the house in which it shall have originated; and the said house shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, a majority of the members elected shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by a majority of the members elected, it shall become a law, notwithstanding the objections of the governor; but in all such cases the votes of both houses shall be determined by yeas and nays, to be entered on the journal of each house, respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the general assembly shall, by their adjournment, prevent its return; in which case, the said bill shall be returned on the first day of the meeting of the general assembly after the expiration of said ten days, or be a law.

SEC. 22. There shall be elected by the qualified electors of this state, at the same time of the election for governor, a secretary of state, whose term of office shall be the same as that of the governor, who shall keep a fair register of the official acts of the governor, and, when required, shall lay the same, and all papers, minutes, and vouchers relative thereto, before either branch of the general assembly, and shall perform such other duties as shall be assigned him by law, and shall receive a salary of eight hundred dollars per annum, and no more, except fees; *Provided*, that if the office of secretary of state should be vacated by death, resignation, or



otherwise, it shall be the duty of the governor to appoint another, who shall hold his office until another secretary shall be elected and qualified.

SEC. 23. There shall be chosen, by the qualified electors throughout the state, an auditor of public accounts, who shall hold his office for the term of four years, and until his successor is qualified, and whose duties shall be regulated by law, and who shall receive a salary, exclusive of clerk hire, of one thousand dollars per annum, for his services, and no more.

SEC. 24. There shall be elected, by the qualified electors throughout the state, a state treasurer, who shall hold his office for two years, and until his successor is qualified; whose duties may be regulated by law, and who shall receive a salary of eight hundred dollars per annum, and no more.

SEC. 25. All grants and commissions shall be sealed with the great seal of state, signed by the governor or person administering the government, and countersigned by the secretary of state.

SEC. 26. The governor and all other civil officers shall be liable to impeachment for misdemeanor in office, during their continuance in office, and for two years thereafter.

## ARTICLE V.

### OF THE JUDICIARY DEPARTMENT.

SECTION 1. The judicial power of this state shall be, and is hereby, vested in one supreme court, in circuit courts, in county courts, and in justices of the peace; *Provided*, that inferior local courts, of civil and criminal jurisdiction, may be established by the general assembly in the cities of this state, but such courts shall have a uniform organization and jurisdiction in such cities.

SEC. 2. The supreme court shall consist of three judges, two of whom shall form a quorum; and the concurrence of two of said judges shall in all cases be necessary to a decision.

SEC. 3. The state shall be divided into three grand divisions, as nearly equal as may be, and the qualified electors of each division shall elect one of the said judges for the term of nine years; *Provided*, that after the first election of such judges, the general assembly may have the power to provide by law for their election by the whole state, or by divisions, as they may deem most expedient.

SEC. 4. The office of one of said judges shall be vacated, after the first election held under this article, in three years; of one, in six years; and of one, in nine years; to be decided by lot, so that one of said judges shall be elected once in every three years. The judge having the longest term to serve shall be the first chief justice; after which, the judge having the oldest commission shall be chief justice.

SEC. 5. The supreme court may have original jurisdiction in cases relative to the revenue, in cases of *mandamus*, *habeas corpus*, and in such cases of impeachment as may be by law directed to be tried before it, and shall have appellate jurisdiction in all other cases.

SEC. 6. The supreme court shall hold one term annually in each of



the aforesaid grand divisions, at such time and place, in each of said divisions, as may be provided for by law.

SEC. 7. The state shall be divided into nine judicial districts; in each of which one circuit judge shall be elected by the qualified electors thereof, who shall hold his office for the term of six years, and until his successor shall be commissioned and qualified; *Provided*, that the general assembly may increase the number of circuits to meet the future exigencies of the state.

SEC. 8. There shall be two or more terms of the circuit court held, annually, in each county of this state, at such times as shall be provided by law; and said courts shall have jurisdiction in all cases at law and equity, and in all cases of appeals from all inferior courts.

SEC. 9. All vacancies in the supreme and circuit courts shall be filled by election as aforesaid; *Provided, however*, that if the unexpired term does not exceed one year, such vacancy may be filled by executive appointment.

SEC. 10. The judges of the supreme court shall receive a salary of twelve hundred dollars per annum, payable quarterly, and no more. The judges of the circuit courts shall receive a salary of one thousand dollars per annum, payable quarterly, and no more. The judges of the supreme and circuit courts shall not be eligible to any other office or public trust, of profit, in this state, or the United States, during the term for which they are elected, nor for one year thereafter. All votes for either of them for any elective office, (except that of judge of the supreme or circuit court,) given by the general assembly, or the people, shall be void.

SEC. 11. No person shall be eligible to the office of judge of any court of this state who is not a citizen of the United States, and who shall not have resided in this state five years next preceding his election, and who shall not for two years next preceding his election have resided in the division, circuit, or county in which he shall be elected; nor shall any person be elected judge of the supreme court who shall be, at the time of his election, under the age of thirty-five years; and no person shall be eligible to the office of judge of the circuit court until he shall have attained the age of thirty years.

SEC. 12. For any reasonable cause, to be entered on the journals of each house, which shall not be sufficient ground for impeachment, both justices of the supreme court, and judges of the circuit court, shall be removed from office, on the vote of two-thirds of the members elected to each branch of the general assembly; *Provided, always*, that no member of either house of the general assembly shall be eligible to fill the vacancy occasioned by such removal; *Provided, also*, that no removal shall be made unless the justice or judge complained of shall have been served with a copy of the complaint against him, and shall have an opportunity of being heard in his defence.

SEC. 13. The first election for justices of the supreme court and judges of the circuit courts shall be held on the first Monday of September, 1848.

SEC. 14. The second election for one justice of the supreme court shall be held on the first Monday of June, 1852; and every three years thereafter an election shall be held for one justice of the supreme court.



SEC. 15. On the first Monday of June, 1855, and every sixth year thereafter, an election shall be held for judges of the circuit courts; *Provided*, whenever an additional circuit is created, such provision may be made as to hold the second election of such additional judge at the regular elections herein provided.

SEC. 16. There shall be, in each county, a court, to be called a county court.

SEC. 17. One county judge shall be elected by the qualified voters of each county, who shall hold his office for four years, and until his successor is elected and qualified.

SEC. 18. The jurisdiction of said court shall extend to all probate and such other jurisdiction as the general assembly may confer in civil cases, and such criminal cases as may be prescribed by law, where the punishment is by fine only, not exceeding one hundred dollars.

SEC. 19. The county judge, with such justices of the peace in each county as may be designated by law, shall hold terms for the transaction of county business, and shall perform such other duties as the general assembly shall prescribe; *Provided*, the general assembly may require that two justices, to be chosen by the qualified electors of each county, shall sit with the county judge in all cases; and there shall be elected, quadrennially, in each county, a clerk of the county court, who shall be *ex officio* recorder, whose compensation shall be fees; *Provided*, the general assembly may, by law, make the clerk of the circuit court *ex officio* recorder, in lieu of the county clerk.

SEC. 20. The general assembly shall provide for the compensation of the county judge.

SEC. 21. The clerks of the supreme and circuit courts, and state's attorneys, shall be elected at the first special election for judges. The second election for clerks of the supreme court shall be held on the first Monday of June, 1855, and every sixth year thereafter. The second election for clerks of the circuit courts, and state's attorneys, shall be held on the Tuesday next after the first Monday of November, 1852, and every fourth year thereafter.

SEC. 22. All judges and state's attorneys shall be commissioned by the governor.

SEC. 23. The election of all officers, and the filling of all vacancies that may happen by death, resignation, or removal, not otherwise directed or provided for by this constitution, shall be made in such manner as the general assembly shall direct; *Provided*, that no such officer shall be elected by the general assembly.

SEC. 24. The general assembly may authorize the judgments, decrees, and decisions of any local, inferior court of record, of original, civil, or criminal jurisdiction, established in a city, to be removed, for revision, directly into the supreme court.

SEC. 25. County judges, clerks, sheriffs, and other county officers, for wilful neglect of duty, or misdemeanor in office, shall be liable to presentment or indictment by a grand jury, and trial by a petit jury, and, upon conviction, shall be removed from office.

SEC. 26. All process, writs, and other proceedings shall run in the name of "*The people of the state of Illinois.*" All prosecutions shall be



carried on "*In the name and by the authority of the people of the state of Illinois,*" and conclude, "*Against the peace and dignity of the same.*"

SEC. 27. There shall be elected in each county in this state, in such districts as the general assembly may direct, by the qualified electors thereof, a competent number of justices of the peace, who shall hold their offices for the term of four years, and until their successors shall have been elected and qualified, and who shall perform such duties, receive such compensation, and exercise such jurisdiction as may be prescribed by law.

SEC. 28. There shall be elected in each of the judicial circuits of this state, by the qualified electors thereof, one state's attorney, who shall hold his office for the term of four years, and until his successor shall be commissioned and qualified; who shall perform such duties and receive such compensation as may be prescribed by law; *Provided*, that the general assembly may hereafter provide by law for the election, by the qualified voters of each county in this state, of one county attorney for each county, in lieu of the state's attorneys, provided for in this section; the term of office, duties, and compensation of which county attorneys shall be regulated by law.

SEC. 29. The qualified electors of each county in this state shall elect a clerk of the circuit court, who shall hold his office for the term of four years, and until his successor shall have been elected and qualified; who shall perform such duties and receive such compensation as may be prescribed by law. The clerks of the supreme court shall be elected, in each division, by the qualified electors thereof, for the term of six years, and until their successors shall have been elected and qualified; whose duties and compensation shall be provided by law.

SEC. 30. The first grand division, for the election of judges of the supreme court, shall consist of the counties of Alexander, Pulaski, Massac, Pope, Hardin, Gallatin, Saline, Williamson, Johnson, Union, Jackson, Randolph, Perry, Franklin, Hamilton, White, Wabash, Edwards, Wayne, Jefferson, Washington, Monroe, Saint Clair, Clinton, Marion, Clay, Richland, Lawrence, Crawford, Jasper, Effingham, Fayette, Bond, Madison, Jersey, and Calhoun.

The second grand division shall consist of the counties of Edgar, Coles, Moultrie, Shelby, Montgomery, Macoupin, Greene, Pike, Adams, Highland, Hancock, McDonough, Schuyler, Brown, Fulton, Mason, Cass, Morgan, Scott, Sangamon, Christian, Macon, Piatt, Champaign, Vermilion, DeWitt, Logan, Menard, Cumberland, and Clark.

The third grand division shall consist of the counties of Henderson, Warren, Knox, Peoria, Tazewell, Woodford, McLean, Livingston, Iroquois, Will, Grundy, Kendall, LaSalle, Putnam, Marshall, Stark, Bureau, Henry, Mercer, Rock Island, Whiteside, Lee, Carroll, Jo Daviess, Stephenson, Winnebago, Ogle, DeKalb, Boone, Kane, McHenry, Lake, Cook, and Du Page.

SEC. 31. The terms of the supreme court for the first division shall be held at Mount Vernon, in Jefferson county; for the second division, at Springfield, in Sangamon county; for the third division, at Ottawa, in La Salle county, until some other place in either division is fixed by law.

SEC. 32. Appeals and writs of error may be taken from the circuit



court of any county to the supreme court held in the division which includes such county, or, with the consent of all the parties in the cause, to the supreme court in the next adjoining division.

SEC. 33. The foregoing districts may, after the taking of each census by the state, be altered, if necessary, to equalize the said districts in population; but such alteration shall be made by adding to such district such adjacent county or counties as will make said district nearest equal in population; *Provided*, no such alteration shall affect the office of any judge then in office.

## ARTICLE VI.

### ON ELECTIONS AND THE RIGHT OF SUFFRAGE.

SECTION 1. In all elections, every white male citizen above the age of twenty-one years, having resided in the state one year next preceding any election, shall be entitled to vote at such election; and every white male inhabitant of the age aforesaid, who may be a resident of the state at the time of the adoption of this constitution, shall have the right of voting as aforesaid; but no such citizen or inhabitant shall be entitled to vote, except in the district or county in which he shall actually reside at the time of such election.

SEC. 2. All votes shall be given by ballot.

SEC. 3. Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same.

SEC. 4. No elector shall be obliged to do militia duty on the days of election, except in time of war or public danger.

SEC. 5. No elector shall be deemed to have lost his residence in this state by reason of his absence on the business of the United States, or of his state.

SEC. 6. No soldier, seaman, or marine, in the army or navy of the United States, shall be deemed a resident of this state, in consequence of being stationed at any military or naval place within the state.

SEC. 7. No person shall be elected or appointed to any office in this state, civil or military, who is not a citizen of the United States, and who has not have resided in this state one year next before the election or appointment.

SEC. 8. The general assembly shall have full power to pass laws extending from the right of suffrage persons convicted of infamous crimes.

SEC. 9. The general elections shall be held on the Tuesday next after the first Monday of November, biennially, until otherwise provided by law.

## ARTICLE VII.

### OF COUNTIES.

SECTION 1. No new county shall be formed or established by the general assembly, which will reduce the county or counties, or either of them, from which it shall be taken, to less contents than four hundred



square miles; nor shall any county be formed of less contents; nor shall any line thereof pass within less than ten miles of any county seat of the county or counties proposed to be divided.

SEC. 2. No county shall be divided, or have any part stricken therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county voting on the question shall vote for the same.

SEC. 3. All territory which has been or may be stricken off, by legislative enactment, from any organized county or counties, for the purpose of forming a new county, and which shall remain unorganized after the period provided for such organization, shall be, and remain a part of the county or counties from which it was originally taken, for all purposes of county and state government, until otherwise provided by law.

SEC. 4. There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition for such division; and no territory shall be added to any county without the consent of a majority of the voters of the county to which it is proposed to be added.

SEC. 5. No county seat shall be removed until the point to which it is proposed to be removed shall be fixed by law, and a majority of the voters of the county shall have voted in favor of its removal to such point.

SEC. 6. The general assembly shall provide, by a general law, for a township organization, under which any county may organize whenever a majority of the voters of such county, at any general election, shall so determine; and whenever any county shall adopt a township organization, so much of this constitution as provides for the management of the fiscal concerns of the said county by the county court may be dispensed with, and the affairs of said county may be transacted in such manner as the general assembly may provide.

SEC. 7. There shall be elected in each county in this state, by the qualified electors thereof, a sheriff, who shall hold his office for the term of two years, and until his successor shall have been elected and qualified. *Provided*, no person shall be eligible to the said office more than once in four years.

## ARTICLE VIII.

### MILITIA.

SECTION 1. The militia of the state of Illinois shall consist of all free male able-bodied persons, (negroes, mulattoes, and Indians excepted,) resident of the state, between the ages of eighteen and forty-five years, except such persons as now are or hereafter may be exempted by the laws of the United States or of this state, and shall be armed, equipped, and trained as the general assembly may provide by law.

SEC. 2. No person or persons, conscientiously scrupulous of bearing arms, shall be compelled to do militia duty in time of peace, provided such person or persons shall pay an equivalent for such exemption.

SEC. 3. Company, battalion, and regimental officers, staff officers and



ected, shall be elected by the persons composing their several companies, battalions, and regiments.

SEC. 4. Brigadier and major generals shall be elected by the officers of their brigades and divisions, respectively.

SEC. 5. All militia officers shall be commissioned by the governor, and may hold their commissions for such time as the legislature may provide.

SEC. 6. The militia shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at musters and elections of officers, and in going to and returning from the same.

## ARTICLE IX.

### OF THE REVENUE.

SECTION 1. The general assembly may, whenever they shall deem it necessary, cause to be collected from all able-bodied, free white male inhabitants of this state, over the age of twenty-one years and under the age of sixty years, who are entitled to the right of suffrage, a capitation tax of not less than fifty cents, nor more than one dollar each.

SEC. 2. The general assembly shall provide for levying a tax by valuation, so that every person and corporation shall pay a tax in proportion to the value of his or her property; such value to be ascertained by some person or persons to be elected or appointed in such manner as the general assembly shall direct, and not otherwise; but the general assembly shall have power to tax pedlers, auctioneers, brokers, hawkers, merchants, commission merchants, showmen, jugglers, inn-keepers, grocery keepers, toll bridges and ferries, and persons using and exercising franchises and privileges, in such manner as they shall from time to time direct.

SEC. 3. The property of the state and counties, both real and personal, and such other property as the general assembly may deem necessary for school, religious, and charitable purposes, may be exempted from taxation.

SEC. 4. Hereafter no purchaser of any land or town lot, at any sale of lands or town lots for taxes due either to this state or any county, or incorporated town or city within the same; or at any sale for taxes or levies authorized by the laws of this state, shall be entitled to a deed for the land or town lot so purchased until he or she shall have complied with the following conditions, to wit: Such purchaser shall serve, or cause to be served, a written notice of such purchase on every person in possession of such land or town lot, three months before the expiration of the time of redemption on such sale; in which notice he shall state when he purchased the land or town lot, the description of the land or lot he has purchased, and when the time of redemption will expire. In like manner he shall serve on the person or persons in whose name or names such land or lot is taxed, a similar written notice, if such person or persons shall reside in the county where such land or lot shall be situated; and in the event that the person or persons in whose name or names the land or lot is taxed do not reside in the county, such purchaser shall publish such notice in some newspaper printed in such county; and if no newspaper is printed in



the county, then in the nearest newspaper that is published in this state to the county in which such lot or land is situated; which notice shall be inserted three times, the last time not less than three months before the time of redemption shall expire. Every such purchaser, by himself or agent, shall, before he shall be entitled to a deed, make an affidavit of his having complied with the conditions of this section, stating particularly the facts relied on as such compliance; which affidavit shall be delivered to the person authorized by law to execute such tax deed, and which shall by him be filed with the officer having custody of the records of lands and lots sold for taxes and entries of redemption in the county where such land or lot shall lie, to be, by such officer entered on the records of his office and carefully preserved among the files of his office; and which record or affidavit shall be *prima facie* evidence that such notice has been given. Any person swearing falsely in such affidavit shall be deemed guilty of perjury, and punished accordingly. In case any person shall be compelled under this section to publish a notice in a newspaper, then, before any person who may have a right to redeem such land or lot from tax sale shall be permitted to redeem, he or she shall pay the officer or person who by law is authorized to receive such redemption money, the printer's fee for publishing such notice and the expenses of swearing or affirming to the affidavit, and filing the same.

SEC. 5. The corporate authorities of counties, townships, school districts, cities, towns, and villages may be vested with power to assess and collect taxes for corporate purposes; such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same. And the general assembly shall require that all the property within the limits of municipal corporations belonging to individuals shall be taxed for the payment of debts contracted under authority of law.

SEC. 6. The specification of the objects and subjects of taxation shall not deprive the general assembly of the power to require other objects or subjects to be taxed in such manner as may be consistent with the principles of taxation fixed in this constitution.

## ARTICLE X.

### CORPORATIONS.

SECTION 1. Corporations, not possessing banking powers or privileges, may be formed under general laws, but shall not be created by special acts, except for municipal purposes, and, in cases where, in the judgment of the general assembly, the objects of the corporation cannot be attained under general laws.

SEC. 2. Dues from corporations not possessing banking powers or privileges, shall be secured by such individual liabilities of the corporations, or other means, as may be prescribed by law.

SEC. 3. No state bank shall hereafter be created, nor shall the state own or be liable for any stock in any corporation or joint stock association for banking purposes, to be hereafter created.

SEC. 4. The stockholders in every corporation, or joint stock association for banking purposes, issuing bank notes, or any kind of paper credit



to circulate as money, shall be individually responsible, to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind.

SEC. 5. No act of the general assembly, authorizing corporations or associations with banking powers, shall go into effect, or in any manner be in force, unless the same shall be submitted to the people at the general election next succeeding the passage of the same, and be approved by a majority of all the votes cast at such election for and against such law.

SEC. 6. The general assembly shall encourage internal improvements, by passing liberal general laws of incorporation for that purpose.

## ARTICLE XI.

### COMMONS.

All lands which have been granted, as a "common," to the inhabitants of any town, hamlet, village or corporation, by any person, body politic or corporate, or by any government having power to make such grant, shall forever remain common to the inhabitants of such town, hamlet, village, or corporation; but the said commons, or any of them, or any part hereof, may be divided, leased, or granted, in such manner as may hereafter be provided by law, on petition of a majority of the qualified voters interested in such commons, or any of them.

## ARTICLE XII.

### AMENDMENTS TO THE CONSTITUTION.

SECTION 1. Whenever two-thirds of all the members elected to each branch of the general assembly shall think it necessary to alter or amend this constitution, they shall recommend to the electors at the next election of members of the general assembly, to vote for or against a convention; and if it shall appear that a majority of all the electors of the state voting for representatives have voted for a convention, the general assembly shall, at their next session, call a convention, to consist of as many members as the house of representatives at the time of making said call, to be chosen in the same manner, at the same place, and by the same electors, in the same districts that chose the members of the house of representatives, and which convention shall meet within three months after the said election, for the purpose of revising, altering, or amending this constitution.

SEC. 2. Any amendment or amendments to this constitution may be proposed in either branch of the general assembly; and if the same shall be agreed to by two-thirds of all the members elect in each of the two houses, such proposed amendment or amendments shall be referred to the next regular session of the general assembly, and shall be published at least three months previous to the time of holding the next election for members of the house of representatives; and if, at the next regular session of the general assembly after said election, a majority of all the members elect in each branch of the general assembly shall agree to said amend-



ment or amendments, then it shall be their duty to submit the same to the people at the next general election for their adoption or rejection, in such manner as may be prescribed by law; and if a majority of all the electors voting at such election for members of the house of representatives shall vote for such amendment or amendments, the same shall become part of the constitution. But the general assembly shall not have power to propose an amendment or amendments to more than one article of the constitution at the same session.

### ARTICLE XIII.

That the general, great, and essential principles of liberty and free government may be recognized and unalterably established, WE DO

DECLARE:

SECTION 1. That all men are born equally free and independent, and have certain inherent and indefeasible rights; among which are those of enjoying and defending life and liberty, and of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

SEC. 2. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness.

SEC. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishments or modes of worship.

SEC. 4. That no religious test shall ever be required as a qualification to any office of public trust under this state.

SEC. 5. That all elections shall be free and equal.

SEC. 6. That the right of trial by jury shall remain inviolate; and shall extend to all cases at law, without regard to the amount in controversy.

SEC. 7. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places without evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

SEC. 8. That no freeman shall be imprisoned, or dis seized of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty, or property, but by the judgment of his peers, or the law of the land.

SEC. 9. That in all criminal prosecutions, the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his favor; and in prosecutions by indictment or information, a speedy public trial by a



impartial jury of the county or district wherein the offence shall have been committed, which county or district shall have been previously ascertained by law; and that he shall not be compelled to give evidence against himself.

SEC. 10. No person shall be held to answer for a criminal offence unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia when in actual service in time of war or public danger; *Provided*, that justices of the peace shall try no person, except as a court of inquiry, for any offence punishable with imprisonment or death, or fine above one hundred dollars.

SEC. 11. No person shall, for the same offence, be twice put in jeopardy of his life or limb; nor shall any man's property be taken or applied to public use without the consent of his representatives in the general assembly, nor without just compensation being made to him.

SEC. 12. Every person within this state ought to find a certain remedy in the laws, for all injuries or wrongs which he may receive in his person, property, or character; he ought to obtain right and justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws.

SEC. 13. That all persons shall be bailable by sufficient sureties, unless for capital offences where the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless, when in cases of rebellion or invasion, the public safety may require it.

SEC. 14. All penalties shall be proportioned to the nature of the offence; the true design of all punishment being to reform, not to exterminate mankind.

SEC. 15. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law, or in cases where there is strong presumption of fraud.

SEC. 16. There shall be neither slavery nor involuntary servitude in this state, except as a punishment for crime whereof the party shall have been duly convicted.

SEC. 17. No *ex post facto* law, nor any law impairing the obligation of contracts, shall ever be made; and no conviction shall work corruption of blood or forfeiture of estate.

SEC. 18. That no person shall be liable to be transported out of this state for any offence committed within the same.

SEC. 19. That a frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

SEC. 20. The military shall be in strict subordination to the civil power.

SEC. 21. That the people have a right to assemble together in a peaceable manner to consult for their common good, to instruct their representatives, and to apply to the general assembly for redress of grievances.

SEC. 22. No soldier shall, in time of peace, be quartered in any house



without the consent of the owner; nor in time of war, except in manner prescribed by law.

SEC. 23. The printing presses shall be free to every person who undertakes to examine the proceedings of the general assembly, or of any branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write, and print, on any subject, being responsible for the abuse of that liberty.

SEC. 24. In prosecutions for the publication of papers investigating the official conduct of officers, or of men acting in a public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels, the jury shall have the right of determining both the law and the fact, under the direction of the court, as in other cases.

SEC. 25. Any person who shall, after the adoption of this constitution, fight a duel, or send or accept a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this state, and shall be punished otherwise, in such manner as is or may be prescribed by law.

SEC. 26. That from and after the adoption of this constitution, every person who shall be elected or appointed to any office of profit, trust, or emolument, civil or military, legislative, executive, or judicial, under the government of this state, shall, before he enters upon the duties of his office, in addition to the oath prescribed in this constitution, take the following oath: "I do solemnly swear (or affirm, as the case may be,) that I have not fought a duel, nor sent or accepted a challenge to fight a duel, the probable issue of which might have been the death of either party, nor been a second to either party, nor in any manner aided or assisted in such duel, nor been knowingly the bearer of such challenge or acceptance, since the adoption of the constitution; and that I will not be so engaged or concerned, directly or indirectly, in or about any such duel, during my continuance in office. So help me, God."

---

## SCHEDULE.

That no inconvenience may arise from the alterations and amendments made in the constitution of this state, and to carry the same into complete effect, it is hereby ordained and declared:

SECTION 1. That all laws in force at the adoption of this constitution, not inconsistent therewith, and all rights, actions, prosecutions, claims, and contracts of this state, individuals or bodies corporate, shall continue and be as valid as if this constitution had not been adopted.

SEC. 2. That all fines, penalties, and forfeitures due and owing to the state of Illinois under the present constitution and laws, shall enure to the use of the people of the state of Illinois under this constitution.



SEC. 3. Recognizances, bonds, obligations, and all other instruments entered into or executed, before the adoption of this constitution, to the people of the state of Illinois, to any state or county officer or public body, shall remain binding and valid, and rights and liabilities upon the same shall continue, and all crimes and misdemeanors shall be tried and punished as though no change had been made in the constitution of the state.

SEC. 4. That "article XI," entitled "commons," is hereby adopted as a part of the constitution of this state, without being submitted to be voted upon by the people.

SEC. 5. That at the first election fixed by this constitution for the election of judges, there shall be elected one circuit judge in each of the nine judicial circuits now established in this state.

SEC. 6. The county commissioners' courts and the probate justices of the several counties shall continue in existence and exercise their present jurisdiction until the county court, provided in this constitution, is organized in pursuance of an act of the general assembly to be passed at its first session.

SEC. 7. That the clerk of the circuit court, in each county fixed by this constitution as the place for holding the supreme court, except in the county of Sangamon, shall be *ex officio* clerk of the supreme court, until the clerks of said court shall be elected and qualified, as provided in this constitution, and all laws now in force, in relation to the clerk of the supreme court, shall be applicable to said clerks and their duties.

SEC. 8. That the sheriffs, state's attorneys, and all other officers elected under this constitution shall perform such duties as shall be prescribed by law.

SEC. 9. That the oaths of office herein required to be taken may be administered by a justice of the peace until otherwise provided by law.

SEC. 10. That this constitution shall be submitted to the people for their adoption or rejection at an election to be held on the first Monday in March, A. D. 1848, and there shall also be submitted for adoption or rejection at the same time, the separate articles in relation to the emigration of colored persons and the public debt.

SEC. 11. That every person entitled to vote for members of the general assembly, by the constitution and laws now in force, shall on the first Monday in March, A. D. 1848, be entitled to vote for the adoption or rejection of this constitution, and for and against the aforesaid articles separately submitted, and the said qualified electors shall vote in the counties in which they respectively reside, at the usual places of voting, and not elsewhere; and the said election shall be conducted according to the laws now in force in relation to the election of governor, so far as applicable, except as herein otherwise provided.

SEC. 12. That the poll-book to be used at said election shall, as nearly as practicable, be in the following form, to wit:



POLL-BOOK of an election held at ——— precinct, in the county of ——— on the first Monday of March, A. D. 1848, for the adoption or rejection of the Constitution, and the separate articles submitted.

NAMES OF THE VOTERS.	Adoption of Constitution.	Rejection of Constitution.	For the article in relation to colored persons.	Against the article in relation to colored persons.	For the article for the two mill tax.	Against the article for the two mill tax.
A. B. . . . .	1		1		1	
C. D. . . . .		1			2	
	2		3	1	3	1

SEC. 13. That the returns of the votes for the adoption or rejection of this constitution, and for and against the separate articles submitted, shall be made to the secretary of state within fifty days after the election, and the returns of the votes shall, within five days thereafter, be examined and canvassed by the auditor, treasurer and secretary of state, or any two of them, in the presence of the governor, and proclamation shall be made by the governor forthwith of the result of the polls. If it shall appear, that a majority of all the votes polled are for the adoption of this constitution, it shall be the supreme law of the land, from and after the first day of April, A. D. 1848, but if it shall appear that a majority of the votes polled were given against the constitution, the same shall be null and void. If it shall further appear that a majority of the votes polled shall have been given for the separate article in relation to colored persons, or the article for the two mill tax, then said article, or articles, shall be and form a part of this constitution; otherwise said article, or articles, shall be null and void.

SEC. 14. That if this constitution shall be ratified by the people, the governor shall forthwith, after having ascertained the fact, issue writs of election to the sheriffs of the several counties in this state; or, in case of vacancy, to the coroners, for the election of all the officers the time of whose election is fixed by this constitution, or schedule; and it shall be the duty of said sheriffs or coroners to give at least twenty days' notice of the time and place of said election, in the manner now prescribed by law.

SEC. 15. The general assembly shall, at its first session after the adoption of this constitution, provide by law for the mode of voting by ballot, and also for the manner of returning, canvassing, and certifying the number of votes cast at any election; and until said law shall be passed, all elections shall be *viva voce*, and the laws now in force regulating elections shall continue in force until the general assembly shall provide otherwise, as herein directed.



SEC. 16. That the first general election of governor, secretary of state, auditor, treasurer, and members of the general assembly, and of such other officers as are to be elected at the same time, shall be held on the first Monday of August, eighteen hundred and forty-eight, anything in this constitution to the contrary notwithstanding. County officers then elected shall hold their respective offices until their successors are elected or appointed, in conformity with laws hereafter enacted.

SEC. 17. That returns of the election of justices of the supreme and judges of the circuit courts, secretary of state, auditor, and treasurer, shall be made and canvassed as is now provided by law for representatives in congress; and returns for members of the general assembly and county officers shall be made and canvassed as is now provided by law.

SEC. 18. That all laws of the state of Illinois, and all official writings, and the executive, legislative, and judicial proceedings, shall be conducted, preserved, and published in no other than the English language.

SEC. 19. On the first Monday in December, one thousand eight hundred and forty-eight, the term of office of judges of the supreme court, state's attorneys, and of the clerks of the supreme and circuit courts, shall expire; and on said day, the term of office of the judges, state's attorneys, and clerks elected under the provisions of this constitution, shall commence. The judges of the supreme court, elected as aforesaid, shall have and exercise the powers and jurisdiction conferred upon the present judges of that court; and the said judges of the circuit courts shall have and exercise the powers and jurisdiction conferred upon the judges of those courts, subject to the provisions of this constitution.

SEC. 20. On the first Monday of December, one thousand eight hundred and forty-eight, jurisdiction of all suits and proceedings then pending in the present supreme court shall become vested in the supreme court established by this constitution, and shall be finally adjudicated by the court where the same may be pending. The jurisdiction of all suits and proceedings then pending in the circuit courts of the several counties shall be vested in the circuit courts of said counties.

SEC. 21. The Cook and Jo Daviess county courts shall continue to exist, and the judge and other officers of the same remain in office until otherwise provided by law.

SEC. 22. Until otherwise provided by law, the terms of the supreme court shall be held as follows: In the first division, on the first Monday of December, A. D. 1848, and annually thereafter. In the second division, on the third Monday of December, A. D. 1848, and annually thereafter. In the third division, on the first Monday of February, A. D. 1849, and annually thereafter. The sheriffs of Jefferson and La Salle counties shall perform the same duties and receive the same compensation as is required and provided for the sheriff of Sangamon county, until otherwise provided by law.

SEC. 23. Nothing in this constitution shall prevent the general assembly from passing such laws in relation to the apprenticeship of minors, during their minority, as may be necessary and proper.

SEC. 24. That the general assembly shall pass all laws necessary to carry into effect the provisions of this constitution.



SEC. 25. Elections of judges of the supreme and circuit courts shall be subject to be contested.

SEC. 26. Contested elections of judges of the supreme court shall be tried by the senate, and of judges of the circuit court by the supreme court, and the general assembly shall prescribe the manner of proceeding therein.

DONE in convention, at the capitol, in the city of Springfield, on the thirty-first day of August, in the year of our Lord one thousand eight hundred and forty-seven, and of the Independence of the United States of America, the seventy-second.

IN WITNESS WHEREOF, we have hereunto subscribed our names.

---

#### ARTICLE XIV.

The general assembly shall, at its first session under the amended constitution, pass such laws as will effectually prohibit free persons of color from immigrating to and settling in this state; and to effectually prevent the owners of slaves from bringing them into this state, for the purpose of setting them free.

#### ARTICLE XV.

There shall be annually assessed and collected, in the same manner as other state revenue may be assessed and collected, a tax of two mills upon each dollar's worth of taxable property, in addition to all other taxes, to be applied as follows, to wit: The fund so created shall be kept separate, and shall annually, on the first day of January, be apportioned and paid over *pro rata* upon all such state indebtedness, other than the canal and school indebtedness, as may, for that purpose, be presented by the holders of the same, to be entered as credits upon, and, to that extent, in extinguishment of the principal of said indebtedness.

Mr. Scates offered the following orders:

*Ordered*, That all erasures, and interlineations in the enrolled copy of the constitution, be noted at the end, and so as to precede the signatures of the members of the convention.

*Ordered*, That the enrolled constitution shall be signed in the following order, to wit: First by the president of the convention, and secondly by the members of the convention, in alphabetical order, and that they do now proceed to sign it; after which the same shall be attested by the secretary, and that the president then deliver it in pursuance of the order of the convention.

The question was taken on the adoption of the first order, and decided in the affirmative.

On motion of Mr. N. W. Edwards,

The question was taken, by yeas and nays, on the final adoption of the constitution, schedule, and separate articles,



And decided in the affirmative, { Yeas, . . . . 131  
 { Nays, . . . . 7

Those voting in the affirmative, are,

Mr. Adams	Mr. Hay	Mr. Norton
Armstrong	Hayes	Oliver
Atherton	Henderson	Pace
Blakely	Hill	H. D. Palmer
Bond	Hoes	J. M. Palmer
Bosbyshell	Hogue	Peters
Brockman	Hunsaker	Pinckney
Brown	Hurlbut	Pratt
J. M. Campbell	Huston	Rives
T. Campbell	Jackson	Robbins
Z. Casey	James	Robinson
Choate	Jenkins	Roman
Church	Jones	Rountree
Churchill	Judd	Scates
Constable	Kenner	Servant
Crain	S. Kinney	Shields
R. J. Cross	Kitchell	Shumway
S. J. Cross	A. R. Knapp	Sibley
Dale	N. M. Knapp	Sim
D. Davis	Knowlton	Simpson
J. M. Davis	Knox	E. O. Smith
Dawson	Kreider	Spencer
Deitz	Lasater	Stadden
Dement	Laughlin	Swan
Dummer	Lemon	Thomas
Dunn	Linley	Thompson
Dunsmore	Lockwood	Thornton
Eccles	Logan	Trower
Edmonson	Loudon	Turnbull
C. Edwards	McCallen	Turner
N. W. Edwards	McCully	Tutt
Evey	McClure	Tuttle
Farwell	McHatton	Vernor
Frick	Markley	Wead
Graham	F. S. D. Marshall	Webber
Geddes	T. A. Marshall	West
H. R. Green	Mason	Williams
P. Green	Matheny	Witt
Grimshaw	Mieure	Whiteside
Harding	Miller	Whitney
Harlan	Minshall	Woodson
Harper	Moore	Worcester
Hatch	Morris	Mr. President.
Hawley	Northcott	

Those voting in the negative, are,

Mr. Akin	Mr. Colby	Mr. W. C. Kinney
Ballingall	Gregg	J. Smith
Bunsen		

The question was taken on the adoption of the second order, offered by Mr. Scates, and decided in the affirmative.

On motion of Mr. Edmonson,

*Resolved*, That the president, or any member of this convention, may sign the name of any absent delegate to the enrolled constitution, being authorized to do so.



On motion of Mr. Gregg,

*Resolved*, That members of the convention not now in attendance shall have the privilege of signing the constitution, in the office of secretary of state, at any time previous to the first Monday of March next; which signature or signatures may be attested by the secretary of state.

On motion of Mr. Woodson,

*Resolved*, That Ninian W. Edwards, and M. Brayman, together with the public printer and secretary of state, be a committee to compare the enrolled constitution and address when deposited in the office of the secretary of state, with the printed proof of the same, ordered to be printed for distribution, and that said committee superintend the printing thereof, to which shall be annexed a certificate of the secretary of state to the correctness of the same.

On motion of Mr. Hay,

*Resolved*, That the secretary of state be, and he is hereby, required to cause to be distributed to the several counties in this state, two hundred copies of the new constitution, for each member elected from the several counties, to be deposited with the clerks of the county commissioners' courts of the several counties, subject to the order of the said members, for distribution amongst the people; to be so distributed at as early a day as practicable, and at the least possible expense to the state.

The erasures, amendments, and interlineations were then noted at the end of the enrolled constitution and schedule.

Whereupon, the president signed the constitution and schedule, and the members also signed them in alphabetical order, viz:

NEWTON CLOUD, *President of the Convention,*  
and member of the Convention from the county of Morgan.

AUGUSTUS ADAMS,  
GEORGE W. AKIN,  
WM. R. ARCHER,  
GEO. W. ARMSTRONG,  
MARTIN AThERTON,  
P. BALLINGALL,  
WM. H. BLAKELY,  
BEN. BOND,  
WM. BOSBYSELL,  
JAMES BROCKMAN,  
GEO. T. BROWN,  
GEORGE BUNSEN,      Witness.  
HORACE BUTLER,  
JAMES M. CAMPBELL,  
THOMPSON CAMPBELL,  
JOHN CANADAY,  
Z. CASEY,  
CHARLES CHOATE,  
SELDEN M. CHURCH,  
ALFRED CHURCHILL,  
EBEN F. COLBY,  
CHARLES HENRY CONSTABLE,  
JOHN CRAIN,

ROBERT J. CROSS,  
SAMUEL J. CROSS,  
M. G. DALE,  
DAVID DAVIS,  
JAMES M. DAVIS,  
THOS. G. C. DAVIS,  
JOHN DAWSON,  
P. W. DEITZ,  
JOHN DEMENT,  
H. E. DUMMER,  
HARVEY DUNN,  
DANIEL DUNSMORE,  
JOSEPH T. ECCLES,  
J. WM. F. EDMONSON,  
CYRUS EDWARDS,  
NINIAN W. EDWARDS,  
EDWARD EVEY,  
SETH B. FARWELL,  
FRED'K FRICK,  
JAMES GRAHAM,  
THOMAS GEDDES,  
HENRY R. GREEN,  
PETER GREEN,



WILLIAM B. GREEN,  
 DAVID L. GREGG,  
 WM. A. GRIMSHAW,  
 A. C. HARDING,  
 J. HARLAN,  
 J. HARPER,  
 C. K. HARVEY,  
 JEDUTHAN HATCH,  
 NELSON HAWLEY,  
 DANIEL HAY,  
 S. SNOWDON HAYES,  
 HUGH HENDERSON,  
 GEORGE W. HILL,  
 ABRAHAM HOES,  
 JAMES M. HOGUE,  
 SAM'L HUNSAKER,  
 STEPHEN A. HURLBUT,  
 JOHN HUSTON,  
 AARON C. JACKSON,  
 J. A. JAMES,  
 A. M. JENKINS,  
 HUMPHREY B. JONES,  
 THOMAS JUDD,  
 A. R. KENNER,  
 SIMON KINNEY,  
 WILLIAM C. KINNEY,  
 ALFRED KITCHELL,  
 AUGUSTUS R. KNAPP,  
 NAT. MORSE KNAPP,  
 LINCOLN B. KNOWLTON,  
 JAMES KNOX,  
 GEORGE KREIDER,  
 JAMES M. LASATER,  
 WILLIAM LAUGHLIN,  
 GEORGE B. LEMEN,  
 ISAAC LINLEY,  
 SAM'L DRAKE LOCKWOOD,  
 STEPHEN T. LOGAN,  
 JOHN TINEN LOUDON,  
 ANDREW McCALLEN,  
 JOHN McCULLEY,  
 WM. McCLURE,  
 A. McHATTON,  
 DAVID MARKLEY,  
 FRANKLIN S. D. MARSHALL,  
 T. A. MARSHALL,  
 JOHN WEST MASON,  
 JAMES H. MATHENY,  
 R. MILLER,  
 WM. A. MINSHALL,

WILLIAM S. MOORE,  
 R. G. MORRIS,  
 J. M. NICHOLS  
 B. F. NORTHCOTT,  
 JESSE O. NORTON,  
 JOHN OLIVER,  
 G. W. PACE,  
 HENRY D. PALMER,  
 JOHN M. PALMER,  
 ONSLOW PETERS,  
 D. J. PINCKNEY,  
 WM. B. POWERS,  
 O. C. PRATT,  
 GEORGE W. RIVES,  
 EZEKIEL WRIGHT ROBBINS,  
 BENAIAH ROBINSON,  
 W. W. ROMAN,  
 HIRAM ROUNTREE,  
 WALTER B. SCATES,  
 R. B. SERVANT,  
 WILLIAM SHIELDS,  
 DORICE DWIGHT SHUMWAY,  
 JOHN SIBLEY,  
 WM. SIM,  
 LEWIS J. SIMPSON,  
 E. O. SMITH,  
 J. SMITH,  
 JOHN W. SPENCER,  
 WM. STADDEN,  
 HURLBURT SWAN,  
 WM. THOMAS,  
 WM. W. THOMPSON,  
 ANTHONY THORNTON,  
 THOS. B. TROWER,  
 GILBERT TURNBULL,  
 OAKS TURNER,  
 WM. TUTT,  
 JAMES TUTTLE,  
 JOHN W. VANCE,  
 ZENAS H. VERNOR,  
 HEZEKIAH M. WEAD,  
 T. R. WEBBER,  
 EDW. M. WEST,  
 ARCHIBALD WILLIAMS,  
 FRANKLIN WITT,  
 JOHN DAVIS WHITESIDE,  
 DANIEL HILTON WHITNEY,  
 DAVID MEADE WOODSON,  
 L. E. WORCESTER.

Attest: HENRY W. MOORE, *Secretary.*  
 HARMAN G. REYNOLDS, *Assistant Secretary.*

Messrs. Allen, Anderson, Blair, F. S. Casey, Dunlap, Holmes, Manly, Moffett, and Miere, signed by attorney, as follows:

I, WILLIS ALLEN, do hereby authorize and empower George W. Akin to sign my name to the new and amended constitution, which will be made by the present convention assembled at Springfield, whereof I am a member. Given under my hand and seal this 29th day of August, A. D. 1847.

WILLIS ALLEN, [L. s.]



I, SAMUEL ANDERSON, member to the constitutional convention from the counties of DuPage and Will, do hereby authorize and request J. Hatch, member to said convention from DuPage county, to sign my name to the amended constitution for me, and this shall be his authority for so doing.  
SAMUEL ANDERSON.

*Springfield, August 30th.*

I hereby authorize and empower Newton Cloud to affix to the new constitution, adopted by the constitutional convention of Illinois to amend the constitution, my signature as a delegate from Pike county.

Dated at Springfield, this 30th day of August, 1847.

MONTGOMERY BLAIR.

I, FRANKLIN S. CASEY, being sick and unable to attend in the convention, do hereby authorize my co-delegate, Walter B. Scates, to sign my name to the enrolled constitution.

F. S. CASEY.

[ *Springfield, August 31, 1847.*

William Thomas, Esq., is authorized to sign my name to the constitution about to be adopted for the state of Illinois—30th August, 1847.

JAMES DUNLAP.

I do hereby authorize and empower David Davis, Esq., of McLean county, to sign the constitution, as amended by the convention now in session in the city of Springfield.

Witness my hand and seal, the day and year aforesaid.

WILLIAM H. HOLMES. [L. s.]

I, URI MANLY, a delegate in the Illinois constitutional convention from the counties of Clark, Edgar and Coles, do hereby authorize the Hon. Zadok Casey to sign my name to the amended constitution.

Given under my hand and seal this 28th day of August, 1847.

URI MANLY, [L. s.]

I hereby certify that JOHN MIEURE authorized F. S. D. Marshall, in my presence, to sign his name to the constitution.

D. DUNSMORE.

*State of Illinois, Sangamon county:*

I, GARNER MOFFETT, a delegate of the constitutional convention from the county of Carroll, do hereby authorize Newton Cloud to sign my name to the constitution adopted by the state convention.

Given under my hand, this 30th day of August, 1847.

GARNER MOFFETT.

In presence of GEO. W. ARMSTRONG.



The members having thus signed their names to the constitution, the secretary and assistant secretary appended their signatures thereto, in attestation thereof.

The president signed the two separate articles, and they were likewise attested by the secretary and assistant secretary.

The president then, in pursuance of the order of the convention, in open convention, delivered the enrolled constitution, schedule and two separate articles to the secretary of state, for preservation among the archives of his office.

After a pertinent and effecting address from the honorable the president,

On motion of Mr. Z. Casey,  
The convention adjourned, *sine die*.

HENRY W. MOORE,  
*Secretary of the Convention.*







# INDEX



TO THE

## JOURNAL OF THE CONVENTION.

A.		PAGE.			PAGE.
Absence, leave of not to be granted to member, -	-	164	Archer, William R., attended, -	-	5
Adams, Augustus, attended, -	-	4	resolutions, 13 24 30 42		108
resolutions, -	-	20	amendments, 13 149 184		212 353
amendments, 92 133 208			reports, 72 86 104 189		leave, 110 269 387
218 263			Army and navy, commander-in-chief of, 175		Asylum for the deaf, dumb, and insane, 111
leave, -	-	156	Assessors, county clerks to furnish tax lists to, -	-	422
Adjournment, <i>sine die</i> , of convention, 145 217			Atherton, Martin, attended, -	-	3
414 577			Attorney General, election of, 27 37 160 162		248
Address to the people, -	-	532	ineligibility of, -	-	82
Agriculture, -	-	394	term of office of, 160 162		248
board of, -	-	394	salary of, 160 162 248		state's, election of, 38 162 248
duties of, -	-	394	term of office of, 160 162 248		salar of, 38 162 248
Akin, John W., attended, -	-	4	county, election of, 98 141 387 409		how paid, - 388
resolutions, -	-	23 167	Atwater, William. See Petitions.		Auditor of State, election of, - 27 37 86
amendments, 23 165 280			282 406		salary of, - 27 37 86
leave, -	-	187	communications from, 71		137
Allen, Willis, attended, -	-	5	term of service of -	-	86
reports, -	-	192 199 253	to pay members per diem and mileage 89		to give information 92
Allison, Fisher. See Petitions.			Auctioneers, to pay tax -	-	79 80 214
Allison, Jesse. See Petitions.					
Alton, invitation to attend funeral at, 182			B.		
American Independence, celebration of, 125			Banks, prohibited within this state, 38 40 49		51 75 99 100 101 108 137 139 140
Amendments to the constitution, article 12, -	-	565	198 199 228 229 231 283 288 291		307 365 410
Anderson, Samuel, attended, -	-		paper, to prohibit circulation		of, 40 60 99 100 101 235 235 239
amendments, -	-	214	290 365 410		
petitions, -	-	129			
Appropriations, how to be made, -	-	36			
Apportionments, - 69, 70, 83, 145					
committee on, -	-	71			
Apprenticeship of minors, -	-	538			
Armstrong, George W., attended, 4					
resolutions 14					
amendments, 112 199					
203 229 230 240 272					
297 338 343 351 353					
356 367 374 397 404					
511					







	PAGE.		PAGE.
Campbell, Thompson, attended,	4	Clerks of circuit courts, salaries of,	162
resolutions,	44 98 148	duties of,	160 162 163
168		to elect,	140 141 160 162
amendments,	13 46 48	164 216	
112 125 157 165 188		of county courts, to elect,	140 141
399 406 497		164 246	
asked to be ex-		terms of office of,	164
cused from serv-		of county and circuit courts, to	
ing on commit-		tax,	115
tee on Education,	96	of county courts to furnish tax	
Campbell, James M., attended,	5	lists to assessors,	422
resolutions,	31 89 115	ineligibility of,	390
amendments,	210 211 215	to canvass votes for representa-	
267 404		tives and senators,	418
Canady, John, attended,	5	recorder to perform duties of	
resolutions,	99	county,	106 163 246
leave,	116	of supreme court to give informa-	
Carter, Thomas B., attended,	5	tion,	58
Capital punishment, to abolish,	48 49 61 356	communication from,	61
462		to be elected,	45 390 409
Canal debt, amount of,	152	Clergymen of Springfield, resolution in	
Carner, Stephen. See Petitions.		reiation to,	186
Catlin, Seth. See Petitions.		197	
Census,	69 74 83 87 145 367	thanks of con-	
Census, of 1845,	72 87	vention vot-	
Cemetery, property exempt from taxation,	80	ted to,	540
Churchill, Alfred, attended,	4	Colby, E. F., attended,	4
resolutions,	60 89	resolutions,	440 489
amendments,	39 121 153	Constable, Charles H., attended,	5
172 176 213 221 226 228		resolutions,	19 84 301
reports,	394	364	
asked to be excused		amendments,	79 174
from serving on		178 345 365 387	
committee on Ed-		reports,	532
ucation,	96	leave,	109
Churchill, George. See Petitions.		excused,	387
Church, Selden M., attended,	5	Committee on the Executive Department,	35
resolutions,	46 98	Judiciary Department,	35
amendments,	23 88 114	Legislative Department,	35
130 190 196 317 425 458		Bill of Rights,	35
Choate, Charles, attended,	12	Incorporations,	35
leave,	115 285	Revenue,	35
Charters, granting of prohibited,	28	Elections and Right of Suf-	
Church property, exempt from taxation,	79	frage,	35
Chandler, Charles. See Petitions.		Finance,	35
Circuits, number of judicial,	159	Education,	35
Citizenship, a qualification for voting,	196	Organization of Departments,	35
200 201 202 203 204		County Organization,	35
qualification for holding		Militia and Military Affairs,	35
office,	396	Revision of Articles of Con-	
Claims, how to be allowed,	74	stitution,	35
Cloud, Newton, attended,	5	Miscellaneous Subjects and	
elected president of con-		Questions,	35
vention,	6	Law Reform,	35
leave,	353	Apportionment,	71
thanks of convention vo-		Agriculture, Geology and Min-	
ted to,	540	eralogy,	89
Clergy invited to open sessions with		Township Organization,	87 173
prayer,	9	to divide State into three Ju-	
Clerks of circuit courts,	25 37 46 409	dicial Divisions,	352
to give information,	69	to prepare Address to the	
terms of service of,	162 163	People,	364
216			



	PAGE.		PAGE.
Committee to procure printing Constitution in Norwegian language,	490 515	County seats, re-location of,	97 432 433 435
to procure printing Constitution in German Language,	490	unorganized,	106 436
Schedule,	515	division of,	432
Standing to consist of,	14	County officers, for misdemeanor, punishment of,	405
reports of,	11	Counties may adopt township organization,	446
of the whole, reports to be referred to,	108	Counties, article 7,	561
to be discontinued,	156	County surveyor, term of office of,	164
Convention, defining powers and duties of,	13	to elect,	140 164 409
Contingent expenses,	74 134	courts, jurisdiction of,	106 140 163
Constitution, to print copies of state, for use of convention,	21	164 216	
to amend,	90 91 199 507	clerk of, to be <i>ex officio</i>	
to print amended,	363 515	recorder,	106 376
preamble to,	395	compensation of,	106
the amended,	544	163 217 376	
absent members permitted to sign,	574	to have power to reduce	
Common schools, state superintendant of,	31 59 98 104 110 129	fees of officers,	106
137 143 151 156 172		pleadings to be oral,	106 216
county,	31	appeals from,	106 216
Commons,	136 146 192 460 519	to meet quarterly,	106 163 216
Compensation, no extra, to be allowed,	36	restricting, in contracting	
Committees, list of standing, to be printed,	36	debts,	129
Commander-in-chief of army and navy,	175	of record,	26 59 139 164
Congress, time of holding elections for members of,	38	to establish,	38 105 163 216
ineligibility of,	82	245 351 365 367	
Commission merchants to pay tax,	79 80 214	Courts, to abolish county commissioners',	43 58 105 129 173 216
Collectors, ineligibility of,	82 133	to abolish probate,	60 105 216 245 356
Constables, election of,	409	to establish probate,	140 354
Copying journals to be let to the lowest bidder,	83	jurisdiction of probate,	140
Committee on Revision authorized to employ clerk,	435	supreme, how composed,	25 27 45 159
Corporations, article 10,	561	160 161 244	
Coroner, term of office of,	164	salary of judges of,	27 45 159
to elect,	140 141 164 409	160 245	
Committee, instructions to, on Law Reform,	73	jurisdiction of,	159 161 244
Crain, John, attended,	5	terms, where held,	159 244 347
resolutions,	92	391 396 405 530	
amendments,	229 298	Counties, prescribing size of,	139 140
reports,	206 224 228 309 315		
Crawford, Bryce. See Petitions.	48	D.	
Criminal prosecutions, to regulate,		Dale, Michael G., attended,	3
Crouch, Phineas. See Petitions.		resolutions,	36
Cross, Samuel J., attended,	5	amendments,	155 157 184
leave,	363	450	
Cross, Robert J., attended,	5	petitions,	450
petitions,	142 185 189	Davis, David, attended,	4
amendments,	131 155 157	resolutions,	45
176 273 277 303 378 459		amendments,	134 144 177 195
Council of Revision, to abolish,	19 25 27 41	489	
Counties, new,	31 59 187 436 437	petitions,	77 129
to change lines,	92 141 187 431 433 438	Davis, James M., attended,	5
516		resolutions,	13 25 47 111
		amendments,	134 165 178
		179 228 229 322 386 469	
		497 504 516	
		leave,	285
		Davis, T. G. C., attended,	5
		resolutions,	48 98
		amendments,	187
		reports,	161 180



	PAGE.
Dawson, John, attended,	5
resolutions,	42 48 77 87 164
amendments,	112 153 175 178
202 203 213 220 221 227	
269 376 423	
reports,	248
Deitz, Peter W., attended,	5
amendments,	68 78 91 115
124 133 215 304 320 356	
474 502	
petitions,	177
Dement, John, attended,	4
resolutions,	12 36 42 540
amendments,	207 253 299 322
332 491	
reports,	67 81 246
leave,	110 363
Debt, amount of state,	151
amount of internal improvement,	152 186
amount of canal,	152
state, not to be affected by change of	
constitution,	523
to provide for payment of state,	194 488
498 516	
Department of state,	395
District attorneys,	25
compensation of,	25
term of office of,	25
Districts, senatorial,	415
representative,	415
Divorces, legislature prohibited from	
granting,	83 254
Divorce of bank and state,	112
Division of state into judicial districts,	161
194 244 345	
Doctors to pay tax,	215
Dodge, Reuben D. See Petitions.	
Duelling, to suppress,	87 255 465 466 472
oaths of officers in relation to,	472
Dummer, Henry E., attended,	4
petitions,	129 200
leave,	187 270
Dunn, Harvey, attended,	5
leave,	110 335
Dunlap, James, attended,	5
amendments,	240
Dunsmore, Daniel, attended,	5

## E.

Eccles, Joseph F., attended,	4
resolutions,	50 225 539
amendments,	91 193 409
432 453	
leave,	109
Edmonson, John W. F., attended,	4
resolutions,	26 41 540 573
amendments,	43 198 394
leave,	109
excused from serving	
on committee on	
Incorporations,	46

	PAGE.
Edwards, Cyrus W., attended,	5
resolutions,	9 148 194 484
amendments,	102 321 398
488	
reports,	506
petitions,	129
asked to be excused	
from serving on	
committee on Edu-	
cation,	95
Edwards, Ninian W., attended,	5
resolutions,	74 77 125
475	
amendments,	127 134
135 145 149 153 155	
188 211 229 280 305	
361 430 433 464 498	
523 531	
petitions,	379
to superintend prin-	
ting of constitu-	
tion,	574
Evey, Edward, attended,	5
resolutions,	25
amendments,	191 195
petitions,	50
leave,	285
Education,	31
committee on,	12 35
Elections, committee on,	12 35
change of time for holding,	30 99
to prohibit betting at,	47
of members of congress,	38
Elective franchise,	28 32 43
Elliot, William. See Petitions.	
Emmerson, Sylvester. See Petitions.	
Emigration to this state,	458
Ewing, James T., appointed assistant	
clerk,	77
compensation of,	539
Executive Department, to organize,	28
power in whom vested,	61
Exemption of certain property from sale,	56
Ex post facto laws prohibited,	41 59 74 253

## F.

Farwell, Seth B., attended,	5
amendments,	213 223 229
334 356	
petitions,	45 172 192
Feaman, Jacob. See Petitions.	
Felony, embezzlement of bank officers	
declared,	102 103
Ferries, tax on,	79
Ferguson, resolution in memory of Lieut.	182
Fletcher, do do do	182
Finance, committee on,	12 35
report of,	58 396 488
509	
Frick, Frederick, attended,	5
leave,	212



	PAGE.		PAGE.
French and Irish languages, to print constitution in,	443	Gregg, David L., attended,	34
Fuel to be furnished by lowest bidder,	83	resolutions,	196 540 574
Fugitives from justice,	465	amendments,	75 252 316 334
		reports,	87 415
G.		Grimshaw, William A., attended,	5
Gaylor, Charles H., to have use of the hall,	301	resolutions,	32 494
Geddes, Thomas, attended,	4	amendments,	466
resolutions,	32 88	leave,	269
amendments,	65 116 162	Grocery keepers to pay tax,	79 80 214
213 285 289 340 345			
General orders,	12	H.	
General assembly, duties of,	87	Hawley, Nelson, attended,	4
Geological survey of state,	394	resolutions,	111
German language, to print constitution in,	440 490	amendments,	460
Governor to be permitted a seat within bar,	12	petitions,	151
term of office of,	22 48 62 72	Hawkers to pay tax,	79
power of, to appoint secretary of state,	38 64	Hall, Rev. Mr., to excuse,	167 168
salary of,	48 62 157 318 324	Hanna, John C. See Petitions.	
how chosen,	62	Harlan, Justin, attended,	4
ineligibility of,	62 155	Harper, Joshua, attended,	4
qualifications necessary for,	62	Harvey, Curtis K., attended,	4
official oath of,	62	resolutions,	21 41
powers of,	62 63 395	amendments,	10 113 114
message of,	62	134 143 150 193 209 229	
shall be commander-in-chief of militia,	62	232 297 306 396 449 463	
to have veto power,	63	465	
communication from,	151	reports,	137 139
time of electing,	155	Harding, Abner C., attended,	5
persons not citizens ineligible to office of,	155	resolutions,	98 146 174
to reside at seat of government,	157	amendments,	69 70 111
to be <i>ex officio</i> fund commissioner,	158 320	113 127 165 171 176	
to fill vacancies in supreme court,	160	196 343 344 347	
officers to be commissioned by,	390	Hayes, S. Snowden, attended,	5
and senate to appoint judges of supreme court,	337 340	resolutions,	20 73 156 197
Governor, Lieut., election and duties of,	37	amendments,	70 127 150
327		184 204 209 241 256	
to abolish office of,	44	317 449 462 493	
how chosen,	63	reports,	61 101 110 309
qualifications of,	63	Hay, Daniel, attended,	5
duties of,	63	resolutions,	574
liable to impeachment,	63	amendments,	33 113 214 266
compensation of,	63	296 317	
Government, how divided,	22	Hardin, Col., resolution in memory of,	148
distribution of powers of,	22 24	Hart, Barnabus. See Petitions.	
courts to be held at seat of,	193	Hatch, Jeduthan, attended,	4
Graham, James, attended,	5	Henderson, Hugh, attended,	6
amendments,	128 387	resolutions,	72
Green, W. B., attended,	4	petitions,	379
Green, Peter, attended,	10	Heacock, Reuben E., attended,	4
leave,	90	Hitchcock, J. J. See Petitions.	
Green, Henry R., attended,	10	Hill, George H., attended,	4
leave,	225 357	resolutions,	125
		amendments,	114
		petitions,	129
		Hoes, Abraham, attended,	4
		petitions,	110
		Holmes, William H., attended,	5
		amendments,	130 433
		reports,	143



	PAGE.		PAGE.
Hogue, James M., attended,	5	Journal, allowing protests to be entered	
amendments, 107	113 134	on,	14 82
145 178 226 232 343 346		of convention,	73
399 489		on final passage	
Household furniture from taxation, to		of laws the yeas	
exempt,	79 80	and nays to be	
Houghton, Lieut., resolution in memory		entered on, 74	82 88
of,	148	to print,	190
Houston, John. See Petitions.		number of copies	
Howe, Stephen. do		of,	190
Hollister, M. E., do		Judd, Thomas, attended,	4
Huston, John, attended,	5	Judicial power, how vested, 38 45 159 161	
leave,	201	244	
Hunsaker, Samuel, attended,	5	Judiciary, vacancies in, how filled, 161 244	
leave,	225	Department, committee on, 12 35	
Hurlbut, Stephen A., attended,	12	committee, reports of, 58 87 102	
amendments, 49	134	159 161 163 182 183 186 187 190	
184 215 343 344 378		192 518	
404		change of,	18 22 45
reports,	163	Judges, salaries of, 19 22 38 45 159 160 161	
I.		162 217 245 251 378 390	
Illinois Colonization Society to have use		election of, 25 38 129 159 160 161 188	
of hall,	509	216 244 249 338 390 405 491 531	
Impeachments,	82 160 162 172 245 406	term of service of, 38 45 160 161 188	
Ice, sergeant-at-arms to contract for,	84	191 216 249 390	
Internal improvement debt, amount of,	152	ineligibility of, 43 45 82 160 162 245	
Internal improvements,	394	334 338	
Incorporations, committee on,	12 35	of supreme court, governor to ap-	
Incorporation, special acts of,	74	point,	337 340
Incidental expenses of state govern-		county and associate, to elect, 105 163	
ment,	50 71	216	
Individual liability, 75 100 103 107 138 139		pay of,	105 163 217
228 231 255		terms of office of,	163
Inn keepers to pay tax,	79	jurisdiction of,	163
Invitation to attend funeral at Alton,	182	Jugglers to pay tax,	79
Irish and French languages, to print con-		Juries, exempting certain persons from	
stitution in,	443	serving on,	97 110
J.		Jurisdiction of supreme court,	161 244
Jackson, Aaron C., attended,	5	Justices of the peace, duties of,	160 246
petitions,	172	jurisdiction of, 160 246	
leave,	216	to compose county	
James, James A., attended,	5	court,	164
leave,	173	term of office of, 164 246	
Jenkins, Alexander M., attended,	4	Justice, fugitives from,	465
resolutions, 26 141		K.	
amendments, 203 453		Kenner, Alvin R., attended,	4
reports, 64 139 141		resolutions,	88 92
187		amendments, 65 91 128 130	
petitions,	224	149 151 175 179 188 196	
leave,	285	200 215 229 271 276 297	
Jewett, Samuel H. W. See Petitions.		307 404 507	
Jones, H. B., attended,	5	Keyes, James W., administered oaths to	
resolutions,	43	members,	10 14 34 51
amendments, 157 178 179 190		Keating, Edward, communication from,	182
360		Kinney, Simon, attended,	3
reports,	79 195	amendments,	114 213 270
petitions,	56	orders,	483 485
leave,	252	Kinney, William C., attended,	5
		resolutions,	98 200
		amendments,	30 193



4041	PAGE.	4041	PAGE.
Kinney, William C., reports,	139	Legislative Department, committee on,	12 35
petitions,	185	reports of,	67 81 102
leave,	335	104 115 127 142	
Kitchell, Alfred, attended,	5	144 145 149 157	
resolutions,	30 88 107 515	165 171 173 175	
amendments,	30 44 91 134	177	
179 184 185 190 191 193		authority, how vested,	81
211 222 449 460 462		Legislature, times of convening,	21 25 26 27
leave,	173 336	38 42 43 48 99 171 208	
Kline, William J., door keeper <i>pro tem.</i> ,	3	length of sessions of,	25 26 27 38
Knapp, A. R., attended,	4	42 43 50 72 129	
resolutions,	186	powers and duties of,	25 27 88 135
amendments,	153 157 193	number of members of,	39 42 43
210 221 440 449 469 472		48 50 67 68 129	
reports,	538	powers and duties of,	25 27 88 135
Knapp, N. M., attended,	5	number of members of,	39 42 43
resolutions,	19 47 105 168	48 50 67 68 129	
amendments,	171 193 424 465	per diem pay of members of,	38
reports,	395 439	42 43 48 50 71 72 82 89 129 130	
leave,	335	157 278	
Knowlton, Lincoln B., attended,	5	ineligibility of members of,	46 74
resolutions,	111	82 280 282	
amendments,	13 165 303 343	first election for members of,	81
446		qualifications of members,	82
petitions,	156 172	members of privileged from	
leave,	225	arrest,	82
Knowlton, Jesse L. See Petitions.		per diem pay of officers of,	132
Knox, James, attended,	4	to divide state into 60 coun-	
resolution,	76	ties,	438
amendments,	130, 174 203	number of officers of to be	
Kreider, George, attended,	4	limited,	47
leave,	163	majority of all the members	
		of the, necessary to pass	
		bills,	74
		mileage of members of,	71 72 82
		Legislation, restriction of,	83 296
		Leland, S. W. See Petitions.	
		Lemon, George B., attended,	4
		amendments,	127 156 438
		leave,	98 217
		Life offices, to abolish,	100
		Limiting members in the time of speak-	
		ing,	31 220
		Linley, Isaac, attended,	4
		resolutions,	52
		amendments,	52
		Little, A. G. See Petitions.	
		Lockwood, Samuel D., attended,	14
		resolutions,	58 158 168
		538	
		amendments,	135 175
		190 222 227 271 282	
		303 402 406 419 426	
		460	
		reports,	61
		Logan, S. T., attended,	5
		resolutions,	8 95 351 445 538
		amendments,	14 34 65 73 78 132
		135 143 154 156 157 168 177	
		179 184 187 196 220 232 251	
		374 405 440 444 463 490 502	
		523 524 531 538	
		reports,	419



	PAGE.		PAGE.
Lotteries,	59 82	Minshall, William A., attended,	5
Louden, John T., attended,	5	resolutions,	18 19 69
resolutions,	21	amendments,	6 146
leave,	187	177, 343 508	
		reports,	248
		leave,	250
		Minority of males and females,	396
		Minors, apprenticeship of,	538
		Minimum assessment of lands for taxation,	426
		Miscellaneous Subjects, committee on,	20 35
		Moffett, Garner, attended,	4
		resolutions,	49
		amendments,	94
		petitions,	143 172
		Moore, George S., attended,	4
		leave,	201
		Morris, Richard G., attended,	4
		leave,	163
		Moore, Henry W., secretary pro tem.,	3
		elected secretary to	
		convention,	7
		thanks of convention	
		voted to,	540
		Morrell, John. See Petitions.	
		Mortimer, Benjamin, address of,	174
		Money, to tax,	230
		Mount Vernon, supreme court for 1st di-	
		vision to be held at,	419
		Morgan, Wm. See Petitions.	
		N.	
		National bank,	60 100 473
		Naturalization, to enforce of foreigners,	130
		Negroes, prohibiting from coming into	
		the state,	31 92 93 94 95
		laws relating to,	95 255 453 457 464
		467 469 475	
		question to be submitted sepa-	
		rately to the people,	452
		New counties,	31 59 187 436 437
		Nichols, Jacob N., attended,	3
		petitions,	156
		Niles, Capt. Franklin, resolutions in	
		memory of,	280
		Norton, Jesse O., attended,	4
		amendments,	51 165
		leave,	225
		Northcott, Benjamin F., attended,	5
		resolutions,	26
		amendments,	146 153
		179 215	
		Norwegian language, to print constitution	
		in,	490
		O.	
		Oaths, administered to members,	6 10 12 14
		34 51	
		of officers in relation to duelling,	472
		Oath, to support the constitution of Uni-	
		ted States,	6 83

M.

Manly, Uri, attended,	4
Maps for Judiciary committee,	77
Marshall, Thomas A., attended,	4
resolutions,	32
amendments,	91 345
leave,	115
Markley, David, attended,	4
resolutions,	40
amendments,	33 99 145 147
157 215 221 232 263 265	
307 343 378 392 404 431	
432 437	
sections,	390
leave,	74 187
Marshall, F. S. D., attended,	5
resolutions,	97
amendments,	112 178 191
212 296 440	
sections,	390
Mason, John West, attended,	4
amendments,	176 202 203
301	
Matheny, James H., attended,	5
Mays, Valentine. See Petitions.	
McCallen, Andrew, attended,	4
resolutions,	13 25 49 443
amendments,	13 33 48 60
113 128 133 149 171	
172 210 211 226 229	
232 268 277 326 429	
440 462 478	
McHatton, Alexander, attended,	3
leave,	201
McCully, John, attended,	5
leave,	199
McClure, William, attended,	5
McLean, Hon. John, invited within the	
bar,	12
McMillen, Oscar F. See Petitions.	
McGuffey, Professor, to have use of hall,	484
Members not to receive pay while absent,	115
116 117 118 119 120 124	
be allowed stationery,	124
Mieure, John, attended,	4
Militia and military affairs,	20 35
Militia, governor to be commander-in-	
chief of,	62
fines,	88
officers elective,	98 144
duty, poll tax in lieu of,	88
organizing companies of,	88 144
organization of,	143
article 8th of constitution,	562
Miller, James. See Petitions.	
Miller, Robert, attended,	4
leave,	163



	PAGE.		PAGE.
Officers to be ineligible to all other offices during their term,	100 104 217	Petitions, Houston, John,	151
Oliver, John, attended,	4	Hart, Barnabas,	172
amendments,	175	Howe, Stephen,	177
Order of proceeding in convention,	36	Jewett, Samuel H. W.,	379 538
Organization of Departments, committee on,	12 35 59	Knowlton, Jesse L.,	172
Ottawa, supreme court for 3d division to be held at,	489	Little, A. G.,	172
		Leiland, S. W.,	143
P.		Lamberson, David B.,	151
Palmer, James M., attended,	5	Morgan, William,	45 224 228
resolutions,	9 25 168 482	Miller, James,	129
amendments,	33 114 128 267	McMillen, Oscar F.,	136
reports,	352	Morrell, John,	172
orders,	482	Mays, Valentine,	180
leave,	173	Proctor, Daniel,	77
Palmer, Henry D., attended,	5	Richardson R. H.,	301
resolutions,	180	Simpson, Daniel T.,	379
amendments,	10 402	Shelby county,	50
leave,	357	Stafford, James,	451
Pace, George W., attended,	5	Smith, John,	177 518
leave,	116	Tuttle, Albert,	188 199
Pardoning power,	28 42 49 171	Walker, Charles T.,	224
Peoria, removal of seat of government to,	111	Wadsworth, Daniel,	379
Personal property, to tax,	214	Waterman, A.,	129
Pedlers to pay tax,	79 80 214	Wilmot, Asahel,	156
Persons not to be released from liability to the state,	74	Pinckney, D. J., attended,	5
Peters, Onslow, attended,	5	Pleadings to be oral,	216
resolutions,	20	Powers, William B., attended,	3
amendments,	130 171 172 178	resolutions,	99
188 196 303 317 523		amendments,	52 150 172
Petitions, Adams, Darius,	185	318 322 370	
Atwater, William,	212	leave,	202
Allison, Fisher,	172	Poll tax, to authorize,	26 50 52 80 98 202 213
Allison, Jesse,	185	214 420	
Brewster, J. R.,	192	question to be submitted separately to the people,	51 79 212 420
Boice, John P.,	365 410	on whom levied,	51 52 212
Belderbeck, James,	56	amount,	51 52 212
Bascor, C. L.,	104	proceeds how disposed of,	51 105 212
Byers, William M.,	129	in lieu of military debts,	88
Burns, James,	130	Polls, to preserve order at,	203
Boucherie, Edward,	143	Poultry, exempt from taxation,	80
Brown, L. H.,	146	Pratt, O. C., attended,	4
Brown, John,	156	resolutions,	49
Chandler, Charles,	201	amendments,	40 49 155 184 274
Crouch, Phineas,	224	283 327 338 528	
Crawford, Bryce,	71	sections,	391
Churchill, George,	129	reports,	396
Carner, Stephen,	173	Preamble to amended constitution,	395 511
Catlin, Seth,	186	President of convention to order pay	
Citizens of state,	45	rolls to be made out,	445
Dodge, Reuben D.,	129	convention to deliver enrolled constitution to secretary of state,	540
Elliott, William,	56	Printer, election of,	13 18 37 99 311
Emmerson, Sylvester,	129	Printing, to receive proposals for,	8 13 42 82
Fellows, Charles A.,	110	153	
Feaman, Jacob,	136	amount paid for,	50 71
Grimsley, H. J.,	95 538	of constitution,	363
Hollister, M. E.,	189	in German language,	440
Hitchcock, J. J.,	224	Irish and French,	443
Hanna, John C.,	335	Princeton, supreme court for 3d division to be held at,	419 489



	PAGE.		PAGE.
Probate court, to abolish,	60 356	Reports of committee on Counties,	187 430
to create,	354	Revision of Articles of Constitution,	506 511
to prohibit lawyers from practising in,	356	540 541	
Proctor, Daniel. See Petitions.		Schedule	518
Property in municipal corporations to be taxed same as other property,	430	Reports of special committee to prepare an address	532
Punishment of county officers for misdemeanors,	405	on organization of townships	440 445
to abolish capital,	48 49 61 356 462	&c.,	440 445
		agriculture,	394
Q.		515	
Qualification for voters,	111 196 200 201 202 203 204	commons,	411
		to divide state into districts,	415
R.		419 477	
Ratio of representation,	32 38 69 70 146	standing committees to have precedence,	40
Recorder, to abolish office of county,	60 106	committees to be referred to committee of the whole,	108
to be county clerk,	163 464	Reporters to be allowed seats within the bar,	9
Registers, ineligibility of,	82	Representatives, how and when elected,	38
Reports of committee on Organization of Departments,	72	qualification,	38
64 86 104 139 140		per diem pay,	38
141 189 195 448		number of,	50 81
Judiciary,	58 87 102	Representative districts,	416
159 161 163 182		Resolutions, motions, and notices,	11
183 186 187 190		Retrenchment to be observed,	26
192 518		Revenue to be collected in gold and silver,	223
Finance,	58 396 488 509	committee on,	12 35
Law Reform,	61 101 410 309 395 439 492	information in relation to,	22
Executive Department,	61 73 102 316	article 9th of constitution,	563
Legislative Department,	67 81 102 104 115 127	Revision, council of. See council.	
142 144 145 149		articles of constitution, committee on,	35
157 165 171 173		of laws,	390 494
175 177		Reynolds, H. G., elected assistant secretary,	17
Education,	78 352 496	thanks of convention voted to,	540
Revenue,	79 97 110 147 212 220 221 226 411 419 422	Religious tests,	453
Bill of Rights,	102 192 199 253 447 538	Richardson, R. H. See Petitions.	
Miscellaneous		Rights, declaration of, article 13 of constitution,	566
Subjects and Questions,	102 216 224 228 309 315 487	committee on bill of,	35
Militia,	110 143 210	declaration of,	21 26 56 253 312 449 452 460 463 471
Incorporations,	137 139 228	Rives, George R., attended,	4
Elections and Right of Suffrage,	180 196 200 201 201	Robinson, Beniah, attended,	5
		Rountree, Hiram, attended,	5
		resolutions,	26 88
		amendments,	50 112 132 508
		Robbins, Ezekiel W., attended,	5
		resolutions,	14 30 68 90 185
		amendments,	20 33 39 112 190 207 229 231 279 313 356



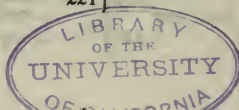
PAGE.	PAGE.
Robbins, Ezekiel W., petitions, 56 136 180 301	Seat of government, location of, 46
Roman, Wm. W., attended, 5	Secretary of state, to be allowed seat within the bar, 12
amendments, 196 200 204 214 269	to give information in regard to school fund, 20
Road tax, 5280 212	election of, 27 86 326 327
Robbins, Lieut., resolution in memory of, 182	salary of, 27 36 86 327
Rules for government of convention, 10 11 12	to procure books and recording of journal, 30
to print, 18	printing and binding of journal, 30
S.	
Sabbath convention, invitation to attend, 110	communication from, 34
Salaries of public officers, 36	power of governor to appoint, 36
Schedule, 518 540 568	how elected, 37 81 327
Schools, state superintendant of common, 31	qualifications, 37 81
59 98 104 110 129 137 143 151 156	per diem allowance, 37
172 200 352 379 451 496 497	governor to nominate, 64
School fund, certain taxes to be applied to, 42	duties of, 64
college, and seminary fund, 77 78 79 98 352 502	to let binding to lowest bidder, 73
fund, total amount of, 152	ineligibility of, 82
to pay interest on, 79	term of office, 86
militia fines to be appropriated to, 88	to distribute constitution to members, 574
lands, to tax, 97	Secretary to elect assistant to convention, 13 17
commissioners to collect school fund, 98	additional, 64
funds to be invested in state bonds, 98	pay of, 73
held in good faith for purposes of education, 98	duties of, 73
proceeds of certain taxes to be applied to, 42	of convention to distribute journal to members, 538
districts, to divide state into, 104	Senatorial districts, to divide state into, 69
seminaries to be established in, 104	districts, 415
director to be appointed in each district, 105	Senators, number of, 81
no preacher of the gospel to be appointed, 105	classification, 81 415
assistant, to be chosen, 105	ineligibility of, 82
salary of, 105	Sergeant-at-arms, election of, 8
directors, meetings of, 105	assistant, 13 17
pay and mileage of, 105	to remove carpet from hall, 197
teachers, examination of, 105	to replace carpet, 200
legislature to provide system of common, 352	Servant, Richard B., attended, 5
Scates, Walter B., attended, 4	resolutions, 97 186
resolutions, 6 22 25 28 29 69 87 98 135 362 363	amendments, 85 114 128 176 185 188 277 337 388 472
amendments, 19 47 67 68 85 100 111 127 133 134 135 151 153 156 164 172 196 204 213 215 222 223 228 267 282 296 299 301 302 312 322 332 343 376 397 504 530	reports, 192
sections, 409	petitions, 71 136 146
orders, 572	Sharpe, Thomas C., attended, 4
reports, 58 159 161 518	resolutions, 31 97
Seat within the bar to be allowed officers stated, 12	amendments, 112 150
	leave, 51 163
	Scrip, amount of internal improvement, 152
	Sherman, Francis C., attended, 4
	resolutions, 69 197
	amendments, 68 69 215 226 230 363
	reports, 58
	leave, 393



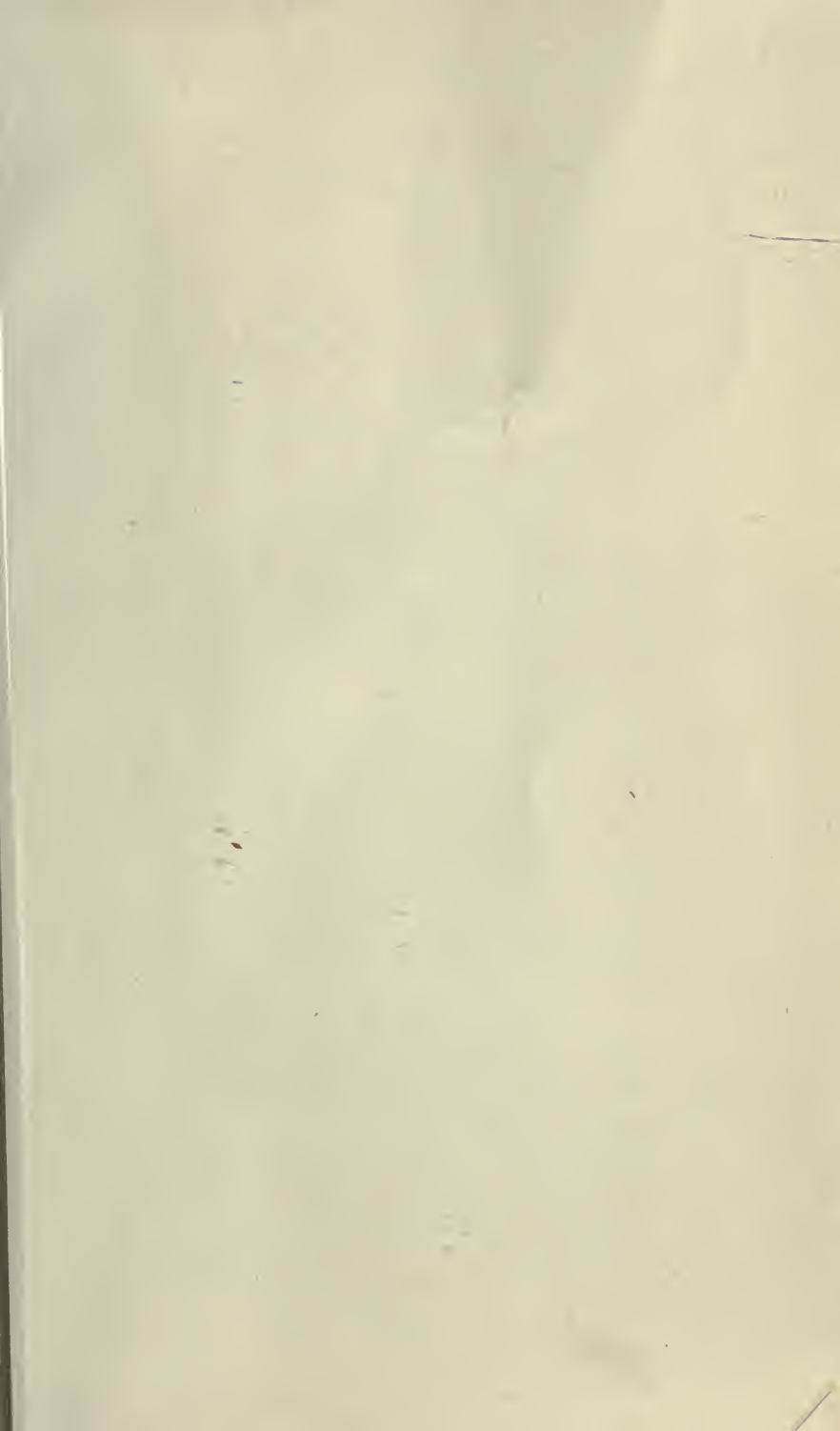
	PAGE.		PAGE.
Sheriffs, defining duties of,	19	State boundaries and jurisdiction,	395
ineligibility of,	44 58 82 98 406	Stationery to be furnished by lowest bidder,	83
election of,	98 140 164 406	Stafford, James. See Petitions.	
terms of office of,	164	Stock in trade, to tax,	214
Shields, William, attended,	4	Suffrage, committee on right of,	12 35
resolutions,	30	right of, 37 47 76 83 180 196 467 561	
amendments,	191 516	Suspension of specie payments prohibited,	75 102 103 138 198 230 233
Showmen to pay tax,	79	Superintendent of common schools, salary of,	129 137 353 496
Shunway, D. D., attended,	4	duties of,	394
resolutions,	36 40 46 47 122	to be superintendant of agriculture,	394
amendments,	30 40 47 87	appointed by governor and senate,	497
109 113 133 157 190		Supreme court, governor to fill vacancies in,	160
193 194 196 270 473		Surveyor, to elect county,	140
Sibley, John, attended,	5	term of office,	164
amendments,	128 179	Swan, Hurlbut, attended,	4
Simpson, Lewis J., attended,	4	amendments,	457
Singleton, James W., attended,	3	T.	
resolutions,	95 100 124	Taxation, 28 37 41 58 74 80 145 156 214 216	
amendments,	69 102	218 219 221 222 226 309 472	
106 111 112 113 117		488 496	
131 175 176 177 275		minimum value of land for, 80 221	
313 334 338 351 361		426	
403		maximum, rate of,	88 97
Sim, William, attended,	5	Tax, poll, to authorize. 26 38 52 212 213 214	
amendments,	149 271 460	420	
petitions,	335	road,	52 212
Sinking fund, to create,	79	on money,	80 214
Simpson, Daniel T., See Petitions.		auctioneers,	79 80 214
Signatures to constitution,	574 575	peddlers,	79 80 214
Slavery to be prohibited,	46 77 463	brokers,	79 80 214
petition against,	379	groceries,	79 80 214
Smith, Jacob, attended,	4	merchants,	79 80 214
amendments,	154 356	doctors,	215
Smith, Edward O., attended,	5	lawyers,	215
resolutions,	46	clerks of circuit and county commissioners' courts,	215
amendments,	51 176 214	toll bridges,	215
304 307 317 359		spirituous liquors,	229
Smith, John. See Petitions.		land to be, by appraised value,	429
Smithsonian Institute, to provide for payment of debt to,	502	mill,	489 498 510 512
Smoking prohibited while in session,	14	question to be submitted separately to the people,	489 510 516
Special orders,	11	power to assess,	80
Special pleadings, to abolish,	356	poultry, exempt from,	80 222
Spencer, John W., attended,	5	cemeteries to pay,	80 222
resolutions,	90	titles,	142 158 222 227 312 425
petitions,	104 151	payers, may pay pro rata on whole amount of debt,	195 488
Stadden, William, attended,	4	for corporate purposes,	226
amendments,	213	question of poll, to be submitted separately to the people,	420
petitions,	189	public lands,	87 130
Springfield, supreme court, third division to be held at,	419	persons not exempt from paying,	74 222
State debt, committee on,	35	church property to be exempt from,	79 222 226
poll tax to be appropriated to paying,	51	to regulate sale of land for,	227
amount of,	151		
to provide for payment of,	194 363		
State and County Organization, committee on,	35		
prohibited from borrowing from banks,	315		
geological survey of,	394		
to prescribe manner of bringing suit against,	134		



	PAGE.		PAGE.
Thornton, Anthony, attended,	5	Veto power,	47 64
resolutions,	49 98	Volunteers, resolution in relation to the,	168
amendments, 93 133 143		Voting to be by ballot,	180
151 172 269 322 389			
391 453 523		W.	
petitions,	45	Wadsworth, Daniel. See Petitions.	
Thomas, William, attended,	5	Walker, Charles T. See Petitions.	
resolutions, 30 51 108 146		Waterman, A. See Petitions.	
amendments, 127 131 133		Wead, Hezekiah M., attended,	4
145 150 153 165 174 184		resolutions, 10 32 87 111	
209 214 222 263 269 278		amendments, 44 128 130	
280 303 304 332 389 390		134 164 184 189 191	
398 490 523 531		215 406 409 425 445	
reports, 79 110 511 540 541		reports, 161 173 410	
Thompson, William W., attended,	5	petitions, 137 185 365	
amendments,	213	leave,	250
petitions,	224	Wearing apparel exempt from taxation, 79 80	
Townships, committee on,	20 173	Webber, Thompson R., attended,	4
to organize,	129 378	West, Edward M., attended,	5
to appoint supervisors of,	173	resolutions, 41 73 280	
Township officers, to elect,	140 173	amendments, 203 215 222	
organization, counties may		354 367 401 407 463	
adopt,	446	Whiteside, John D., attended,	5
Treasurer, to elect county,	140 141	amendments, 133 175	
of state, to elect,	27 37 86	201 269 304 308 310	
salary of,	27 37 86	390 438 460 464	
term of office,	86	reports,	110
Tribunals of conciliation, to establish, 36 58		Whitney, Daniel H., attended,	3
Trial by jury,	217 253 259	amendments,	76 459
Trower, William, attended,	4	Wiggins' loan, amount of,	152
leave,	202	Wilmot, Asabel. See Petitions.	
Turnbull, Gilbert, attended,	4	Williams, Archibald, attended,	3
amendments, 153 171 222		resolutions,	106
430 472		amendments, 132 143	
reports,	140	144 154 229 235 289	
Turner, Oaks, attended,	5	302 312 425 436 463	
resolutions,	48	orders,	486
amendments,	227	Wilson, John A., doorkeeper pro tem.,	3
petitions,	177	elected sergeant-at-arms,	8
Tutt, William, attended,	4	Witt, Franklin, attended,	4
leave,	111	amendments, 184 306 365 379	
Tuttle, James, attended,	4	478	
amendments,	438	leave,	110
Albert. See Petitions.		Women, protection of, in their property, 79 315	
U.		Woodson, D. M., attended,	4
Unfinished business,	11	resolutions, 19 21 32 40 43	
Unorganized counties,	106 436	173 576	
United States Bank,	60 100 473	amendments, 89 174 176 212	
V.		253 397 419 421 483 525	
Vance, John W., attended,	5	leave,	285
amendments, 128 214 279		Worcester, L. E., attended,	4
327 425		resolutions,	31
Vacancies in judiciary, how filled,	161	amendments,	39 67
Vernor, Zenos H., attended,	5	Z.	
resolutions,	97	Zabriskie, Capt., resolutions in honor of,	148
leave,	221		









YC 36161

RETURN TO the circulation desk of any  
University of California Library

or to the

NORTHERN REGIONAL LIBRARY FACILITY  
Bldg. 400, Richmond Field Station  
University of California  
Richmond, CA 94804-4698

ALL BOOKS MAY BE RECALLED AFTER 7 DAYS

- 2-month loans may be renewed by calling  
(510) 642-6753
- 1-year loans may be recharged by bringing  
books to NRLF
- Renewals and recharges may be made  
4 days prior to due date

DUE AS STAMPED BELOW

JUN 06 2003

JUN 06 2003

JAN - 0 2005

JAN - 2 2005

DD20 15M 4-02



GENERAL LIBRARY

UNIVERSITY OF CALIFORNIA—BERKELEY

RETURN TO DESK FROM WHICH BORROWED

This book is due on the last date stamped below, or on the  
date to which renewed.

Renewed books are subject to immediate recall.

RETURN TO DOC.

JUL 21 1957

APR 01 2000

LD 21-100m-1,'54(1887s16)476



